Drivers, aides pick UTU

WASHINGTON, D.C. - Rockland Coaches General Chairperson Rich Deiser represented the UTU in Washington, D.C., at last month's NHTSA meetings on new hours-of-service regulations. “Everyone who testified agreed that undisturbed rest is an important part of any change to the regulations,” Deiser said. The number of hours off for undisturbed rest in still is change to the regulations,” Deiser said. The undisturbed rest is an important part of any General Chairperson Rich Deiser represented the UTU and BLE agreed to work together to develop a joint position on the remote control operation of locomotives. They agreed to jointly develop a proposal on substantive provisions designed to ensure the safety of employees represented by both unions, and to limit the use of remote control to those operations currently existing. The parties intend to share all available data, research, and other work already done individually in developing a common position through consensus.

Deiser attends hearings

WASHINGTON, D.C. - Rockland Coaches General Chairperson Rich Deiser represented the UTU in Washington, D.C., at last month’s NHTSA meetings on new hours-of-service regulations. “Everyone who testified agreed that undisturbed rest is an important part of any change to the regulations,” Deiser said. The number of hours off for undisturbed rest in still is in dispute, he noted: “The unions’ concerns were over decreased earning power of members, and where the drivers would end up if their hours ran out and they were required to take 32 to 36 hours of consecutive off-duty time.”

Drivers, aides pick UTU

HESPERIA, Calif. - On June 23, approximately 70 bus drivers and aides employed by Laidlaw Transtad in Hesperia, Calif., chose the UTU to represent them and bargain collectively on their behalf, joining the 190 Laidlaw employees in Riverside, Calif., who selected the UTU two months earlier.

“Thanks to General Chairperson Karen Belcher’s hard work in the organizing campaign, the employees now have an opportunity to improve their livelihood by speaking with a united voice to their employer,” said Bus Vice President Bernie McNelis. “We look forward to meeting with these employees as soon as possible to lay the groundwork for their first union contract.”

In related news, McNelis said UTU representatives have solicited contract proposals from employees of Alex Transportation, Cimarron Coach in Houston, and the clerks at TM&G in Lubbock, Tex.

McNelis said he would like to thank all of the employees who have recently voted for UTU representation for their support and patience. “First contracts always take longer since we need to negotiate all of the language provisions on working conditions as well as economic issues.”

UTU scores two big wins

WASHINGTON, D.C. - The UTU scored two impressive victories—one political, the other legal—in the nation’s capital last month.

During a whirlwind 24-hour period, a U.S. Court of Appeals supported the Surface Transportation Board’s (STB) 15-month moratorium on railroad mergers, scuttling the proposed Canadian National Railway’s takeover of Burlington Northern Santa Fe Railroad. The UTU filed a legal brief supporting the STB.

The appellate court’s decision dealt a deal-killing setback for CN and BNSF, whose merger proposal was put on hold by the STB’s moratorium after the railroads announced their proposed combination through a new company, North American Railways, Inc., in December 1999.

Then, in Congress, a major Railroad Retirement bill, H.R. 4844, was introduced. The legislation is supported by a coalition of 13 organizations, including the UTU, represent-
Local 324, Seattle, Wash.
The contract with Evergreen Trails expires Nov. 1, and Chairperson Brian Donald is readiness for his committee for negotiations. Proposals based on suggestions from members are being drafted for negotiations on behalf of part-time and full-time drivers.

Local 469, Madison, Ill.
The UTU scored a unanimous win over the BLE in an A-card election spearheaded by General Chairperson Dave Wier on the Man-ufacturers National Railroad Association of St. Louis, said Secretary and Treasurer John I. Payer. Meanwhile, members are invited to the Midwest Railway-Golf Tournament, sponsored by UTU Designated Legal Council Lance Callis and set for Aug. 15 at the Arlington Golf Club in Gran-ite City, Ill. Barbecue and refreshments will be provided, but entries must be received by Aug. 9. Contact Payer at 502 Western Ave., Collinsville, Ill., or call (618) 344-4519.

Local 528, Chicago, Ill.
Members, retirees and their families are invited to the local's picnic on Sunday, Aug. 13, from 11 a.m. to 6 p.m. at Busse Woods Grove 2 in the 6000 block of Parkridge Drive, near Elk Grove, Ill., said Secretary and Treasurer Jack Webber. Food and beverages will be provided, and plans call for a horseshoe tournament, games for kids, and a raffle. For information, call the local's office at (312) 795-0900.

Local 559, Roanoke, Va.
Virginia State Legislative Director Richard Jeskey and Retiree Program member Charlie A. H. both members of the local comprised of Norfolk Southern (NS) employees, recently arranged to sponsor his participation, reach Arnold at <arnfam@arn.net>.

Local 631, Brunswick, Md.
Members working for CSX recently present-ed 67-year-old R. R. “Bobby” Sower with a plaque to mark his 50 years of service and membership in the UTU, said Local Chair-person Tom George. Brother Sower began his career June 25, 1950, as a switchtender for the Western Maryland Railway. He recently told those at his 50th high school reunion that he would see them at the 100th reunion if he was not working in the funeral pool that night.

Local 1161, Englehart, Ont.
Ontario Northland motor coach operators last month voted by a 25-to-20 margin to accept an agreement with the company that contained a 2% wage increase retroactive to Sept. 1, 1999, a 1.5% wage increase effective Sept. 1, 2000, and a 2% wage increase effective Sept. 1, 2001, according to General Chairperson Phil Koning. The pact also sweetened the benefit package and included some minor but beneficial changes in contract language governing working conditions.

Local 1462, Boston, Mass.
Members offer their sympathy and condolences to fellow conductor Rick Blascik, whose wife succumbed last month to a rare and fast-moving form of cancer, according to Secretary and Treasurer David Bowe. Meanwhile, Local President and Vice Local Chairperson E. B. Radovich offered gratitude to all who made the Third Annual Bil-ly Flaherty Railroaders’ Hockey Game a great success. Twenty players were UTU members, including Amtrak Local Chairperson and “Most Valuable Player” Roger Lenfest of Local 988, Boston, Mass.

Bus operator and General Chairperson Roy A. Molds of Local 1697 in Lubbock, Tex., share in common.

Local 1563, El Monte, Cal.
Retired vice president and former director of the UTU Bus Department Kenny Moore, a delegate from Arizona at the Democratic National Convention to be held Aug. 14-17 in Los Angeles, is looking to meet with other UTU members attending as delegates to coordinate efforts for a labor-friendly platform. Call him at (480) 895-4956. Meanwhile, Local Vice Chairperson Alberto Hinojos urges all members to attend the local’s meetings on the first Friday of the month at the Masonic Temple, 278 S. Mission Rd., San Gabriel, Cal.

Local 1589, New Brunswick, N.J.
Alternate Vice President-East (Bus) Carolyn Scarella and Chairperson William Roberson are heading up the continuing contract negotiations for Suburban Trails part-time drivers. Meanwhile part-time driving for Suburban Transit recently approved their first contract agreement.

Local 1594, Upper Darby, Pa.
Members and their families last month raised $1,300 participating for the 11th time in the 68.5-mile American Cancer Society’s Bike-A-Thon, said Local Chairperson and President Ron Koran. Retirees provided food and beverages, and Kevin Baldwin provided return transportation. Over the years, the local has raised about $9,000 through participation in the event, which was initiated by Koran and local member Bernie McNelis, vice president and director of the UTU Bus Department. Members who rode were Koran, Stan Bernatowicz, Bruce Wertz, Jay Wilbank, Gerry Brown, Tom Sausman, and A.M. Jordon. Members participating included Kerri Bernatowicz, Steven Koran, Jim and Nicole Porter and Kevin Reilly.

Local 1697, Lubbock, Tex.
Revenue and accounting clerks, along with the auditors working for Texas, New Mexico & Oklahoma Coaches, recently voted in favor of the UTU as their bargaining agent, according to Vice President Bernie McNelis, director of the UTU Bus Department, who said they will be included in the same bargaining unit as the bus operators. McNelis expressed gratitude to General Chairperson Roy A. Molds, Vice Chairperson Marvin White, and to the employees for their confidence in the UTU.

Local 1760, Detroit, Mich.
Treasurer Jerry O’Donnell is again helping to coordinate events for the third annual Metro Detroit Operation RedBlock Family Picnic, set for 11 a.m. to 7 p.m. on Sunday, Aug. 20, at the Parkland Community Park (Site C2), 6750 Ann Arbor Trail, Dearborn Heights, Mich. O’Donnell promises a fun day of free food, exciting games and friendship, and encourages all retirees to attend. For informa-tion, contact O’Donnell at (734) 522-1243.

Local 1895, Chicago, Ill.
Aug. 26 marks the date of the local’s first family picnic, the “Grill and Thrill,” said Secretary and Treasurer Tom Raboin. To be held at the Lan-Oak Park in Lansing, Ill., the event will run from 11 a.m. to dusk, and will feature food, beverages, prizes and an appearance by the UTU mobile education and training facility M emberShip 1. Contact Raboin at (708) 596-0574, or e-mail him at <UTU1895@home.com>.
**State Watch**

**Colorado**

After more than 40 years of union membership, the majority of which were spent holding union office, Jack Shaver (L-202) has retired as legislative director of the state of Colorado.

"This union has truly lost one of its greatest assets in Jack Shaver," said UTU President Charles L. Little. "He has given so tirelessly of himself over the years and his retirement is well deserved."

Shaver, who grew up in a rail union family, joined the Brotherhood of Railroad Trainmen as a brakeman with the Chicago and North Western in the fall of 1960. He was elected vice president of BRT Lodge 30 in 1962, and was serving as the lodge's legislative representative by 1964. Following the convention of the UTU in 1969, Shaver held the local posts of treasurer and legislative representative in UTU Local 202 at Denver.

In 1984, he was elected to the office of state legislative director and held that position for his entire tenure. During his tenure, Shaver served as a delegate to all eight UTU conventions since 1971 and was a member of the Constitution Committee for the 1983, 1995 and 1999 conventions.

He had also served as the chairperson of the National Association of State Directors since 1992. "I loved my job in the union, but it was just time to go," Shaver said.

Elevated to replace Shaver was former Assistant Legislative Director Rick A. Johnson, who was elected to the board's quadrennial meeting earlier this year.

Johnson had served as local chairperson for UTU Local 202 since 1991 and currently holds the office of legislative representative for that local. He has also held the offices of local president and alternate delegate.

**Ohio**

Legislative Director Bill Thompson reports that both the Ohio House of Representatives and the Ohio Senate passed in late May Senate Bill 207, which increases from a minor misdemeanor to a misdemeanor of the first degree the obstruction of a street, road or highway by a railroad train.

The legislation requires the state to establish a fine of $1,000 that must be imposed for such an offense, and sets a fine of $5,000 for the abandonment of a locomotive. Fines will be used for railroad highway grade crossing improvements.

The bill passed the House by a vote of 88-4 and the Senate by a vote of 33-0. Thompson said there was a "strong possibility" the governor would sign the bill into law.

**Indiana**

In the 100th anniversary year of Eugene V. Debs’ candidacy for the presidency of the United States, the Debs Foundation and Indiana State University have announced a scholarly conference to assess Debs’ influence on life in 20th century America, reports Legislative Director James E. Carrico.

The conference will be held from November 10-11, 2000, the same weekend as the foundation’s annual awards banquet. Those seeking more information can contact Prof. Charles King of the university’s sociology department at (812) 237-3443, or send an e-mail to <sok@scifac.indstate.edu>.

Debs, who founded the American Railway Union in 1893, was a firm supporter of a single rail union representing all of rail labor.

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**Bus Department**

**Yardmasters**

**Labor Day marks ongoing struggle**

Next month we celebrate Labor Day. Labor Day became a national holiday in 1882 following a tumultuous time in labor history. Here’s the story:

Employees of the Pullman Sleeping Car Company lived in Pullman, Ill., near Chicago. Virtually all of the residents of Pullman worked for the Pullman Sleeping Car Company. The rents were set by Pullman. Paychecks were drawn from the Pullman Bank.

In 1893, a national depression set in and many Pullman employees were laid off. Those who stayed suffered wage cuts, while rents remained the same. The workers’ take-home pay was reduced dramatically.

Workers walked off the job in protest of the conditions at Pullman. Workers all over the country took an unpaid day off to march in protest of the conditions at Pullman. President Cleveland took the brunt of the protests from the handling of the Pullman strike.

Soon after, legislation was rushed unanimously through both houses of Congress and arrived on President Cleveland’s desk just six days after the Pullman strike ended. President Cleveland was up for re-election and he grabbed at the chance for reconciliation.

Labor Day was enacted; President Cleveland, however, was not re-elected.

Please remember Labor Day and observe it in an appropriate way.

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**CSX negotiations set for Aug. 8-9**

Negotiations are continuing on freight, passenger and commuter carriers that are not in national handling. We remain hopeful for resolution of the national agreement prior to the end of this year. The national agreement will not settle all of the unresolved yardmaster contracts.

Negotiating sessions with CSXT are slated for Aug. 8 and 9, 2000. General Chairpersons Doyle Turner, Richard DeGenova, Dennis Burke and James Comby are involved in the negotiations.

Negotiations are ongoing with the management of METRA, New Orleans Public Belt, Indiana Harbor Belt and Amtrak.

The Union Pacific Yardmaster Council, (UPUC), which represents Union Pacific yardmasters, has an unresolved notice on the carrier.

N. B. Please let your senators know you support the proposed changes in H.R. 4844, the Railroad Retiree Survivors’ Act of 2000.

Yardmaster General Chairperson Joseph M. Mercurio, from the St. Lawrence & Hudson (former D&H) yardmaster committee, is recuperating from major surgery. At last report, Joe was regaining strength and doing much better. He and Cathy express their thanks for the many flowers, calls, and prayers.

Effective Apr. 1, 2000, new rates went into effect for the yardmaster retiree insurance plans through Transmark Insurance Company. Yardmaster planning to retire in the near future should contact the Yardmaster Department at the UTU International for information. The telephone number is (216) 228-9400, ext. 313.
Moratorium stands

The U.S. Court of Appeals made a wise decision to support the Surface Transportation Board’s (STB) 15-month moratorium on railroad mergers. The UTU filed a legal brief supporting the STB and opposing the Canadian National Railway’s merger with Burlington Northern Santa Fe Railroad. Now we will have time to try to get the railroad industry’s house in order before what will probably be the next round of major mergers after the moratorium ends. Working with the STB, the railroad industry and its unions must arrive at new guidelines which protect union workers from cranky and other merger-related operating changes, including fatigue and other safety issues.

History in the making

By the time this newspaper reaches your home, there may be significant positive movement in two areas that affect your future. First, the U.S. House of Representatives is expected to have passed the Railroad Retirement bill – H.R. 4844 – and sent it to the Senate for debate and a vote later this fall. This bill affects one million current and future railroad retirees, including more than 50,000 “railroad widows” who would immediately get a full survivor’s pension.

Second, a national wage and rule proposal could be on the way that would end the post-85 and pre-85 conditions, and end entry rates and the two-tiered wage structure.

This has been the UTU’s primary objective this round of negotiations, and we will not make a deal until it happens. If they both happen – and we expect to be halfway there on Railroad Retirement and making rapid and serious progress on the contract – then the UTU will have been successful in obtaining fairness in the workplace and in retirement.

In working to improve Railroad Retirement, the UTU cooperated closely with about a dozen other organizations which collectively represent more than three million workers.

To the left of this column, we take the opportunity in this month’s lead editorial to thank some of those organizations and their leaders by name. It is extremely rewarding that on an issue of this magnitude – enacting the best improvements to Railroad Retirement in a generation – nearly every organization cooperated in unity and harmony.

It is also rewarding that the bipartisan leadership in the House agreed that this was an outstanding bill. The job, however, is not over. We still must convince the U.S. Senate to pass the Railroad Retirement bill.

That’s where we need your help. On the next page we provide you with the names of every senator and how to contact them. We urge every member – active or retired – to contact his or her senators and tell them to pass the Railroad Retirement bill.

As we have said repeatedly, the UTU’s main goal in national contract talks is to end the dual basi of pay and two-tiered wage structure.

We feel it is imperative that the next generation of railroaders – and all new hires – get paid fairly and equally for the job they perform and that we end the “ caste system.”

There are always some that will put their own interests above others. There will always be others who prefer to be naysayers and criticize what we do just for the “sport,” without offering solid, real-world ideas.

But as we look at what is with - in our grasp in this first year of the 21st century, our union stands in the middle of what will be regarded as two historical accomplishments.

We have 80 days to improve Railroad Retirement

On January 12, 2000, Charles Little, Byron Boyd and the leaders of about a dozen other unions reached an agreement in principle for improving Railroad Retirement.

All of the unions, with the exception of the BMWE and the BLE, joined together to get Congress to make things better.

In addition to the union coalition, all of the major United States railroads, the regional and shortline railroad associations, and the rail retiree groups also supported the agreement.

This set of principles was reviewed and shaped by the Railroad Retirement Board and several committees of the U.S. House of Representatives and the U.S. Senate. On July 13, 2000, H.R. 4844 was introduced and referred to both the Transportation and Infrastructure Committee and the Ways and Means Committee.

Normally, these committees would hold this legislation for weeks or months before it would be considered. However, this time things were different, and on the afternoon of July 19, the Transportation and Infrastructure Committee voted 62 to 1 in favor of H.R. 4844 without any substantive changes.

This was done without the help of the BLE, and in spite of numerous efforts on the part of BMWE to detail this bill.

A strong effort is currently underway in the U.S. Senate, and we expect action on this legislation before Congress adjourns during the first week of October. That will only happen if we are able to convince members of the U.S. Senate to approve this legislation.

The best way to do that is for as many people as possible to contact their senators and ask them to pass H.R. 4844 or similar legislation.

We must convince the Senate of the urgency of this matter.

It usually takes eight years from when an idea first appears in Congress and legislation is introduced until it becomes law. We, however, cannot wait eight years. If we are to be successful, we must get H.R. 4844 passed into law in just 80 days.

With the help of many other fine people, some of whom are mentioned in the editorial above, we can get the job done. For UTU members, hard-driving Washington political action is not the exception, but the norm. That is because thousands of UTU members are politically involved and contribute to TPEF.

The day the Railroad Retirement bill goes to the White House for signing is a day we all can enjoy. It means your investment in your union’s political action has been rewarded with a financially stronger and more secure retirement program. It also means you will be helping out more than 50,000 surviving spouses of Railroad Retirement recipients.

So, please, don’t wait. I know you are one of about one million people who are looking forward to seeing President Clinton sign our much-improved Railroad Retirement plan in the Rose Garden.
Printed below is a sample letter that you may use when writing your senator. Remember to include your name, address and telephone number. Lawmakers want, and need, to hear your opinions if they are to effectively serve as your elected representative. Please, let them know how you feel on this very important issue. Take a minute and write your senator.

Here is a sample letter

The Honorable
United States Senate
Washington, DC 20510

Dear _______________

I am writing to seek your support for the “Railroad Retirement and Survivor’s Improvement Act of 2000.” This historic legislation represents the first in 25 years that labor, management and retirees have agreed on a set of changes that benefit those who rely on the Railroad Retirement System for a secure retirement. A major coalition of 13 rail unions and rail retiree organizations representing more than three million members has recently reached an historic agreement with the railroads represented by the National Railroad Labor Committee to secure the following improvements detailed in H.R. 4844:

• An expansion of surviving spouse benefits;
• Unretired retirement benefits at age 60 with 30 years of service;
• A retiree health insurance plan at age 60, with increases in the lifetime benefit maximum indexed to the medical inflation rate;
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Sincerely yours,

Name

City State ZIP

Contact your U.S. senator! Your future is in your hands!

The future of the Railroad Retirement System is in your hands.

Take a minute to write to your U.S. senator to urge his or her support for the Railroad Retirement Survivors’ Act of 2000.

This legislation, when passed, will strengthen and improve the benefits provided by the Railroad Retirement System to you and your family.

Printed below is a sample letter that you may use when writing your senator. Remember to include your name, address and telephone number.

Lawmakers want, and need, to hear your opinions if they are to effectively serve as your elected representative. Please, let them know how you feel on this very important issue. Take a minute and write your senator.

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Sincerely yours,

Name

City State ZIP
BIRMINGHAM – The only thing hotter than the weather outside the recent Birmingham Regional Meeting was the white-hot spirit of fraternalism inside the sprawling convention-center complex.

More than 700 UTU members and their families attended the meeting, which featured nearly 30 educational and informational workshops, riveting speeches, great food and entertainment, and that special sense of collectivism that is the UTU.

Attendees heard Federal Railroad Administrator Jolene Molitoris praise the UTU for its many successes, and call UTU President Charles L. Little the “(union) president for the 21st century.”

“There is a vigor here (at the UTU), there is an excitement about how to make this union stronger,” she said.

Participants were entertained by The Pink Flamingos, who also will be featured at the Minneapolis Regional Meeting.

The essence of fraternalism and education, seasoned with Southern hospitality, made Birmingham a meeting to remember.
Pennsylvania State Legislative Director Don Dunlevy (left) talks with Ed Emmett, president of the National Industrial Transportation League, the nation’s largest shippers’ organization. Emmett gave a workshop on rail transport from a shippers’ viewpoint.

Florida State Legislative Director Carl Cochran (left) models the latest in UTU fashion with son-in-law Andres Trujillo (Local 1138, Miami, Fla.) and his seven-year-old daughter Katie, Cochran’s granddaughter.

A left, Morgan Cox (Local 573, Danville, Ky.) greets Ronald Bailey (president, Local 942, Florence, S.C.) while UTU Field Supervisor Clay Parker (seated) looks on.

International President Charles L. Little and Federal Railroad Administrator Jolene Molitoris, who was a luncheon speaker at the Birmingham Regional Meeting.

Monte Bricker, at podium, directs questions during the Designated Legal Counsel general session.

A Alternate National Legislative Director James A. Stem (left) and National Legislative Director James Brunkenhoefer (right) talk with Alabama Cong. Earl Hilliard.

UTU members and their children join the Pink Flamingos on stage to sing and dance and rock and roll.

F.D. “Chester” Flanagan, retired member of Local 818 in Ft. Worth, Texas, leaves no doubt who will be getting his vote in the November presidential election.

Read My Lips... NO NEW TEXANS

UTUNews
Two victories
Continued from page 1
this issue of UTU News went to press. A Senate vote is expected sometime after Labor Day (see Page 5).

"The UTU took strong, proactive political and legal action and we came up big winners, twice," said Charles L. Little, UTU Interna- tional president. "We supported the STB's 15-month moratorium on rail mergers, and we played a key role in a strong coalition to get a vastly improved Railroad Retirement program introduced in Congress. These events once again reinforce the UTU's political position and influence in Washington, D.C."

Little praised the decision permitting the STB time to study and propose new rail-merger guidelines. "This is a major win for North American railroad workers, shippers, and the American people," he said.

"This will allow the railroad industry, working cooperatively with its union employees, the time to focus on solving merger-related service issues. Now we will have time to get to the railroad industry's house in order before what many say will be another major round of mergers after the STB issues its new guidelines."

UTU was the first, and only, major trans- portation union that actively supported the STB's merger moratorium and strongly opposed the merger of the Canadian National and Burlington Northern Santa Fe railroads.

The Brotherhood of Locomotive Engineers and Brotherhood of Maintenance of Way Employees supported the CN/BNSF merger, which would have included some layoffs.

The UTU also included in its operating rail-transportation union that supports the Railroad Retirement bill. The BLE and BMWE oppose the bill and are actively fighting the 13 organizations pushing for the new law. In an old twist, the American Train Dispatchers Division (ATDD) of the BLE has split from its sister organization and is a member of the coalition.

The other labor organizations in the Railroad Retirement Coalition include the Risermakers and Blacksmiths, Brotherhood of Railroad Sig- nalmen, Firemen and Oilers of SEIU, Employees and Restaurant Employees; Interna- tional Association of Machinists; International Brotherhood of Electrical Workers; Ironwork- ers Union; Seafarers International Union; Sheetmetal Workers International; Transporta- tion Communications International; Transport Workers Union, and the National Association of Retired and Veteran Railway Employees.

"All labor organizations which stand for what is best for their members and millions of people support this Railroad Retirement bill," Lit- tle said.

In crafting new rail-merger rules, Little said the STB should include a "cram- down." "Those new merger rules should include the end of 'cramdown' in all future rail mergers patterned after the UTU's historic deal with the National Carriers' Conference Committee," Little said.

He said that new merger rules that protect union employees, and a new long-term labor contract, would be a boon for the railroad industry.

"We now are in negotiations and have the opportunity to sign a forward-thinking labor contract with the Class I railroads that could usher in a period of labor stability and econom- ic growth in the industry," Little said.

"Today, we stand at crossroads in the future of the North American railroad industry. The deci- sions labor, management and government make in the next 12 months will shape the industry for the first few decades of the 21st century."

Vindication
Continued from page 1
person R.E. Arenas, "and he was returned to duty with full time and wages compensated."

In fact, Arenas noted that Hicks received compensation that included back pay, project- ed overtime pay, and holiday pay totaling more than $12,000. More important, Arenas said, Hicks received the representa- tion and justice deserved by all UTU members when threatened with the trampling of "their basic human rights as provided by our collec- tive bargaining agreement and the Constitu- tion of the United States of America."

The Port Authority Trans-Hudson Corpora- tion is the primary transit link between Man- hattan and neighboring New Jersey urban communities and suburban commuter rail- roads. It carries more than 70% of all passen- gers entering New York City by rail from New Jersey. Approximately 225,000 passengers travel PATH each weekday and trains run 24 hours a day, every day of the year.

Since 1962, Path has been a rail subsidiary of The Port Authority of New York and New Jersey. Twenty different unions today represent the agency's workforce. In 1999, the carrier received the Outstanding Achievement Award from the American Public Transit Association, which recognizes the nation's highest performing heavy-rail transit system – for the second con- secutive year.

Something went wrong
But on September 10, 1999, something went wrong.

"We really don't know if the passenger who died got off the train immediately before the accident, was trying to get on the train, or got a piece of clothing caught and was dragged from the platform," Arenas said. "Neither Hicks nor his engineer were aware that their train had struck a pedestrian. PATH manage- ment claimed that the physical evidence indi- cated the individual must have been dragged. We said, 'Prove it.' They couldn't."

Arenas said that Hicks, who had been an officer of the Port Authority police department conducted an extensive investiga- tion, including a number of interviews with Hicks in September, but no changes were filed. It appeared to Hicks that the investigation was closed and the incident was behind him. But on January 4, 2000, Hicks received a letter from PATH's superintendent of transportation charging him with failing to comply with a series of rule violations, "and this failure resulted in fatality to the passenger."

The letter also accused Hicks of "indiffer- ence" and said that he "allowed the movement of your train away from the scene of the acci- dent, compromising critical physical evi- dence, and allowing the release of persons who could have witnessed the accident."

Furthermore, the letter said he was "dishonest" in his statements to Port Authority police.

The true motivation
Alerted to the letter's contents, General Chair- person Arenas immediately understood PATH's true motivation and jumped to Hicks' defense.

Responding to the changes in a letter of his own to PATH on January 8, Arenas wrote, "The carrier is attempting to absolve itself from any wrongful death lawsuits filed on behalf of the victim's family and place sole responsibility for the incident on conductor Hicks."

"The union strongly objected and we began preparations for the ultimate battle against the carrier," Arenas explained. We issued our position to the carrier, as well as to every major politician in the region. We also used the media to bring the incident into the pub- lic light, since it was kept hidden – so hidden that the Federal Railroad Administration (FRA) was never advised of the incident. The FRA then launched its own investigation into the incident.

Because PATH operates in both New York and New Jersey, Arenas sent letters to the gov- ernors, and representatives of both states, as well as the White House, outlining the injustice of PATH's intended actions and calling for assurance of a fair battle.

In his letters to the lawmakers, Arenas said, "This situation has racial overtones, since the conductor charged is black and the trainma- pers involved are white. We realize we have a vital service to the region, however, we must utilize whatever means necessary to pro- tect our basic human rights."

Meanwhile, in his response to PATH, Are- nas pointed out that the "Port Authority Police Department could not, and did not, file charges against conductor Hicks...You have 'prettended' that conductor Hicks was dis- honest in his statements to the Port Authori- ty police during the entire investigation."

Regarding Hicks' alleged indifference to the incident, Arenas said and someone or something had 'tripped' the train, bringing it to a stop. After the initial "tripping" of the train was reported by the engineer, Arenas noted the trainmaster on duty, "told the engineer to "charge and proceed" without allowing Hicks to investigate the reason for the tripping of the train. The train resumed motion, but was "tripped" again, Arenas said. Hicks this time had investigated six of the seven cars in the consist when the trainmaster again ordered the engineer to "charge and proceed."

"Upon arrival at 9th Street," Arenas' response said, "Hicks was ordered to off-load his equipment and wait until an operations examiner arrived on the scene. Conductor Hicks and his engineer were unaware that their train had struck a passenger. However, the car was well aware of the incident that occurred and 'foiled up' when they ordered conductor Hicks to release potential witnesses to the incident."

The scapegoat conductor
Arenas further asked for copies of the FRA's investigative reports and all forms the carrier is required to file with the FRA when an accident occurs, and then pointed out that the collective bargaining agreement states in clear and unambiguous language that the car- rier has '90 days' after an accident to investi- gate and charge an employee. Therefore, as per the C.R.A., the carrier had until October 10, 1999, to charge conductor Hicks. The time limits expired and the UTU never grant- ed an extension of time since the UTU was unaware of a formal investigation."

Arenas concluded his response to PATH's changes with the following: "The union's vi- olation of the agreement and their attempt to make conductor Hicks, a black conductor, the 'scapegoat' for this incident is unacceptable and will not be tolerated. The organization demands that all charges against conductor Hicks be dismissed."

Ten days later, a general notice circulated by PATH noting that the Port Authority trans- portation had been replaced. Two days later, PATH sent a letter to Hicks advising that it had reviewed the matter and decided to rescind the charges. "You shall be returned to service as soon as possible," the letter said.
Molitoris
Continued from page 1

want to tip my hat to you, your team, and your union.

UTU has been a proponent of conductor qualification and certification. “UTU is the driving force behind the issue of conductor certification,” Molitoris said. “We believe it is important to recognize the important skills and responsibilities of railroad conductors.”

Molitoris also said the UTU has had a “very great impact” on the pending alcohol and drug regulations, especially on the issue of adulterated samples and split samples. She said work is now being expedited on the final rule.

“This is very much your issue,” she said. She also said that, under a proposed rule, all of FRA’s alcohol and drug regulations would apply to “foreign railroads, foreign-based train crews who engage in train operations in the U.S.”

Molitoris praised Little for signing the new social compact with CSX while acknowledging that cultural change is slow in the railroad industry.

“I talked about Charlie Little being fearless,” she said. “I think you are fearless, Charlie, and I’m conducting today. We got about 10 new hires recently right off the street, and the company plans to hire another 10 in the near future. It should be up to all members of the local to welcome new members and encourage them to become better at their craft. Our local has an introductory meeting to explain what the UTU’s all about. We supply copies of the UTU constitution and our agreement and explain who to contact with a problem. The international supplies some good materials to help orient the new hires, so that helps.”

Kevin McLaughlin
L-571, Schreiber, Ont.

“I started with CP Rail as a brakeman in 1985, and I’m a conductor today. We got about 10 new hires recently right off the street, and the company plans to hire another 10 in the near future. It should be up to all members of the local to welcome new members and encourage them to become better at their craft. Our local has an introductory meeting to explain what the UTU’s all about. We supply copies of the UTU constitution and our agreement and explain who to contact with a problem. The international supplies some good materials to help orient the new hires, so that helps.”

James R. Cumby
L-1962, Toledo, Ohio

“I’ve been in the industry for 24 years. I’m a yardmaster, a local president, and I chair the Yardmasters’ General Chairperson Council. CSX represents workers on CSX, Conrail and Amtrak. I think we need to invite new hires to local meetings, teach them about the union way of life, give them a copy of their contract, and answer any questions or concerns they may have. At the very least, it’s the responsibility of the officers, but we should hope all members would try to teach these new workers. When a guy starts asking questions and wants to get involved, you’ve done your job.”

Terry Donohue
L-1043, Sparks, Nev.

“I’m a Union Pacific conductor with 29 years of experience. Probably 20% of our local has been hired in the last two years. We need to get rid of the dual rate of pay. We can get the general contract fairly easy, and the UTU constitution, but some of the local hub agreements are still in coming to the new hires. Everybody in the local should make a point of welcoming new members. We need to explain our organization’s history so they can appreciate the value of UTU membership. And they need it in black and white how the BLE has started the race to the bottom.”

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Voices!

W hat needs to be done for new hires?

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Retirees' work pays dividends

People who meet Retiree Program member William N. Newell, Jr., for the first time find the experience to be both enriching and memorable. It's easy enough to remember his friendly demeanor and charitable approach to life.

But what really sticks in people's minds is the two-dollar bills he uses as his calling cards.

"It's just something I do for fun," said Newell, a member of Local 1334 in Hattiesburg, Miss. "I give away five two-dollar bills each day, five days a week."

Perhaps the most valuable thing Newell gives away is his time, energy and enthusiasm for making the world a better place.

"When I lost my leg in late 1996 and retired, I had a lot of time to think," Newell said. "Since then, I've started a Cab Scout unit and helped build a mission house to feed the homeless in Jacksonville Beach, Fla. I raise about $20,000 a year for Habitat for Humanity, and work to raise funds for the Billy Graham team," he said.

Newell also spends about eight hours a week on Al Gore's presidential campaign while still finding time to go to luncheons attended by retired railroaders "to sell the power of one union, as well as the notion of how much stronger we can be if we get involved in our communities."

Brother Newell began his career in 1952 as a brakeman on the Gulf, Mobile & Ohio after returning from military service in Korea. He joined Brotherhood of Railroad Trainmen Lodge 373 and immediately got involved in union activities. "I think I held every local office possible, except for secretary/treasurer," said Newell, who served as deputy president under former UTU presidents Charles Luna and Al Cheser.

In 1976, he became a field supervisor, but in 1996, as a conductor on the ICO Railroad, the problems with his leg forced his "retirement."

The end of one career marked the beginning of another. That summer, he joined with 22 other individuals in his community to invest in the creation of the Oceanside Bank, a financial institution in the community that "treats people in the community like they did 50 years ago," Newell said. "We closed out this fiscal year with $66.9 million dollars."

Retired former UTU vice presidents Melvin A. Ross and Roy D. Happe, and retired former Colorado State Legislative Director Earle Gile, passed away recently.

Brother Ross, who died June 26 at age 87, began his rail career in 1942 as a fireman for the St. Louis-San Francisco Railroad, earning promotion to engineer in 1945.

A member of Brotherhood of Locomotive Firemen & Enginemen Lodge 414 in St. Louis, Mo., Ross served in local positions from 1945 to 1955, when he was elected general chairperson of the Frisco. He served in that capacity until his election as vice president in 1959. He was re-elected to the post at succeeding conventions, including the 1971 UTU convention. Ross also served as a member of the UTU convention committee that drafted the merger plan creating the UTU.

Ross retired in December 1978 as a member of Local 1388 in St. Louis, Mo. He is survived by his wife, Lela, a daughter and a son.

Brother Hape, who died July 10 at age 82, began his rail career in 1941 as a yardman with the Terminal Railroad Association of St. Louis. He was promoted to yard conductor and worked in that capacity for about 19 years.

The Railroad Retirement Board (RRB) is required by law to submit annual financial reports and triennial actuarial valuations to Congress on the retirement fund's condition, as well as annual reports on the unemployment insurance system.

A member of Brotherhood of Railroad Trainmen (BRT) Lodge 943, he later became a charter member of BRT Lodge 1076 when it was organized in 1949. He served as insurance representative, legislative representative and lodge chairperson, and was assigned as organizer and deputy president at intervals in the 1950s. He was re-elected an alternate vice president in 1960 and was elected to vice president in 1963. He was re-elected to the post at subsequent conventions, including the 1971 UTU convention.

Hape retired in February 1978 as a member of Local 1B in Madison, Ill. His wife, Freda, passed away in May 1997, and he is survived by two sons and two daughters.

Brother Gile, who died June 19 at age 81, began his rail career in 1931 as a brakeman on the Milwaukee Road and joined BRT Lodge 30. In 1957, he relocated to Arvada, Colo., where he went to work on the Colorado & Southern Railroad.

A member of Local 202 in Denver, Col., Gile was elected Colorado State Legislative Director in 1976, a post he held until his retirement in January 1984. He is survived by his wife, Ruth, one son and one daughter.
The Minneapolis Regional Meeting will last a full three days, with the President’s Banquet on the evening of the third day. The $125 advance registration fee per member or guest includes all registration forms faxed and luncheon and evening buffet dinner and entertainment; Tuesday lunch and evening theme reception and entertainment; Wednesday lunch and evening theme reception, and as well as all training workshop materials. On-site registration is $175 per member or guest. Your name badge will be your admission ticket to all events. Children age 14 and under are admitted free to all.

New this year are one-day registrations for those members who would like to attend this meeting but can’t spare the time away from work or family. The cost of a one-day registration for any day is $80. Payments for individual events, such as lunches and tours, can be made at the meeting. Also new this year are registration procedures, with separate registration forms for members and guests. Additionally, credit cards and traveler’s checks are accepted for registration.

August 28-30, 2000
Minneapolis Hilton and Towers
1001 Marquette Ave.
Minneapolis, MN 55403
Telephone: (612) 397-4999
Toll-free reservations: (800) 445-8667
Reservation code: UTU Regional Meeting
Advance meeting registration deadline: August 18, 2000
UTU room rate/night: $119 single/double; additional per person;
UTU room-rate reservation deadline: HAS PASSED; other rooms may be available at prevailing rates
Parking: self-parking $5 per day; valet $20 per day both with in/out privileges

1. Any person covered by a UTU union shop or an agency bargaining agreement (in the United States who elects to be a non-member has the legal right to object to political expenditures that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in the case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection in their entirety by the arbitrator.
3. The International shall have the burden of establishing that the reduced fees set forth in the neutral referee's report are reasonable.
4. The neutral referee shall determine that more than one day of hearing is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes.
5. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.
10. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.
15. The arbitrator shall be precluded from the decision the legal and arithmetic basis for such decision.
16. If an objector receiving an advance reduction wishes to continue objection, he/she shall continue to pay the amount of the reduced fees calculated by the neutral referee. Persons objecting for the first time shall be sent a copy of the report prepared by the neutral referee for the previous year and shall pay the reduced fees as soon as possible.
17. Each month thereafter for all objectors, an amount equal to the amount of the reduced fees calculated by the neutral referee. Persons objecting for the first time shall be sent a copy of the report prepared by the neutral referee for the previous year and shall pay the reduced fees as soon as possible.
18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decision.
UTU Travelers Club plans tours

Visit beautiful Ireland, or take a rail tour of Switzerland!

The UTU Travelers Club is planning a trip to Ireland from October 6-14, 2000, and two tours of Switzerland by rail, March 21-29 and March 28-April 5, 2001.

The cost of the Ireland trip is $1,299 plus $112.37 tax per person, with two people in a room. The Swiss rail tours are $1,799 plus $137 tax per person, two to a room.

Irish itinerary: Fly from Chicago to Shannon, then two nights in Bunratty. Visit Cliffs of Moher and Burren area of County Clare. Medieval banquet in Bunratty Castle. Travel via Limerick and Adare to Killarney for a two-night stopover. Ring of Kerry tour; Dingle Peninsula tour. Next to Blarney to kiss the Blarney Stone. Then Miltonton, Waterford and a Waterford Crystal tour. Two days in Dublin next, then Galway for a day. Visit the ancient monastic ruin of Clonmacnoise.

Switzerland itinerary: Fly from Chicago or Boston direct to Zurich, then two nights in beautiful Lucerne, with the Glacier Garden, Covered Bridge and a boat ride. Depart by train to Chur and transfer to the “Glacier Express” mountain train ride. Overnight in Zermatt. Take train to resort town of Interlaken through a 12-mile tunnel. Four nights in Interlaken with tours of Eiger and Jungfrau mountains, cogwheel train ride and much more. Then to Lake Geneva and Chillon castle, Montreux and return to Interlaken aboard Panorama Express. Shopping in Brienz before boarding high-speed ICE train to Zurich and flight home.

Both tours include breakfasts every morning, most dinners, services of professional guide, most admissions, luggage handling, tips and much more.

For a free color brochure and complete information, contact Lynn Westphal Tours toll free at (888) 280-7657, or e-mail <lwestphal2@aol.com>.

Wouldn’t it be nice to be able to custom-design a life insurance policy to suit YOUR needs and pocketbook? UTUIA has it!

UTUIA’s Ultimate Term life insurance offers tremendous flexibility. YOU select the length of coverage, up to age 75. YOU select the amount of coverage during that time frame. Best of all, YOU control the premium you pay.

This kind of flexibility is possible with Ultimate Term’s unique multi-choice format. Select level coverage to provide an income for your loved ones, decreasing coverage to ensure payment of a mortgage, or increasing coverage to protect against inflation. Custom coverage allows you to select a combination of all three – plus: secure your children’s education. You determine the length of coverage, any changes in coverage, and the premium-paying schedule. It’s a perfect fit every time.

ULTIMATE TERM: Ultimate Term offers different types of protection: level, increasing, decreasing, or a combination of all three.