Welcome to the “Voice of Transportation Labor”

“We believe that we are close to what will be seen by many as an historic contract that accomplishes our major goals at the beginning of the 21st Century.”
- Vice President Dan Johnson, September UTU News, Page 7

News & Notes

Two charged in murder

CHICAGO – Almost a year after Metra Electric conductor Wilbert Hooten was shot to death aboard his suburban commuter train, Chicago police announced the arrest of two men and charged them with murder. Brother Hooten, a member of Local 1290 in Chicago, Ill., was shot aboard a train at about 6:45 p.m. on Saturday, July 17, 1999. Chicago Police officials said Brandon V. Wyatt, 17, and Jason E. Dace, 20, had been charged with first-degree murder. The two were last seen with another man, also charged with armed robbery. Hooten, 64, a well-liked veteran of the electric commuter railroad serving Chicago’s South Side and south suburbs, was shot to death as his two-car train was loading passengers at the 121st and Halsted stop on the carrier’s single-track Blue Island branch. The tragedy came only a few months before Hooten’s scheduled retirement. He was buried in a traditional union ceremony dating back to the earliest days of one of the UTU’s predecessor unions, the Brotherhood of Railroad Trainmen.

Garbage trains get nod

TORONTO – Last month the Metro Toronto council voted in favor of a proposal by the Rail Haul North Coalition to haul Toronto’s garbage by rail to the Adams mine site in Kirkland Lake. The UTU has been a partner in this coalition with CN Rail and Ontario Northland for more than 10 years in an attempt to secure this lucrative business. Canadian Legislative Director Tim Secord said the tenacity of the legislative department is paying off and thanks go to Glenn King, legislative representative of Local 1161, Englehart, Ont., and Ontario Legislative Chairperson诸侯立法委员会的代表Engelbert. The result was that Congress adjourned for its August recess without passing the legislation as expected.

House action expected on retirement legislation

WASHINGTON, D.C. – Sometime in September, if all goes as promised, the U.S. House of Representatives is expected to pass H.R. 4844, the Railroad Retirement and Survivors Act of 2000.

A last-minute amendment that would repeal a diesel fuel tax was attached to the bill, causing it to be delayed in late July. Cong. Kenny Hulshof (R-Mo.) proposed the surprise amendment to repeal 43 cents of a 44-cent-per-gallon tax on diesel fuel used by trains and barges, and it was accepted by Ways and Means Chairman Bill Archer (R- Texas) after the original bill had overwhelmingly passed the House Transportation and Infrastructure Committee.

The result was that Congress adjourned for its August recess without passing the legislation as expected.

When Hulshof placed his amendment, UTU and the labor coalition of 11 organizations representing three million workers immediately went to work to correct the situation. The result was that Speaker of the House Dennis J. Hastert (R-Ill.) said that he is “committed to the expeditious consideration and passage” of H.R. 4844 in September, likely meaning that the tax repeal – seen by many as a multi-million dollar windfall for the railroad and barge industry – would be eliminated.

Although the repeal of the diesel fuel tax has broad support in Congress, sponsors of H.R. 4844 have said that including it in the Railroad Retirement bill could kill the legislation if it goes to the Senate.

As expected, labor strongly opposes the amendment. The railroads are also saying they oppose the fuel tax repeal amendment – as part of the Railroad Retirement bill.

“The House leadership knows the objections we all have to this amendment,” said UTU International President Charles L. Little. “Speaker Hastert has said he wants the bill

Continued on page 8

UTU, CN okay discipline policy

TROY, Mich. – The UTU and the Canadian National Railway have agreed on a new collective Individual Corrective Action (ICA) policy that stresses prevention and training in place of more traditional punitive discipline for the 400 UTU-represented workers in the company’s Michigan zone.

“ICA focuses on peer review, prevention, education and self-improvement, rather than punitive action,” said Steve Thompson, UTU general chairperson (GO-377), an architect of the new policy. “The new program is also voluntary. It allows any affected employee to select the new policy or the traditional discipline process. And the new policy recognizes that employees themselves have a major role in changing counter-productive behavior.”

The ICA policy became effective Sept. 1, and applies to train and yard service employ-

Continued on page 8

Negotiations continue on MTA

LOS ANGELES – Members of the UTU negotiating committee are continuing to meet with representatives of the Los Angeles County Metropolitan Transit Authority in an attempt to hammer out a new contract for the more than 5,000 workers on the property.

“We are pleased to report that our negotiations with the MTA have been very productive during the last several weeks,” UTU General Chairperson James Williams said. “While we have not gotten into any of the major, substantive issues, we have resolved a great deal of the non-controversial items which will enable us to focus on those critical issues as the end of the cooling-off period nears.”

The transit agency and union are under a 60-day cooling-off period while negotiations continue. The cooling-off period was to have expired at midnight, Sept. 3, after this issue of

Continued on page 9
Local 313, Grand Rapids, Mich.
Local Chairperson Jeremy Ferguson and Vice Local Chairperson Bill Wisneski were among union officials who heard Vice Presi-
dent Al Gore speak while the presidential candidate was in town to receive the Sierra Club's endorsement. The two spoke with
Gore, said Ferguson, "and pledged the contin-
ued campaign support of the 'Fighting 313.'"

Local 465, Gillette, Wyo.
Following the recent decrease in job insur-
ance premiums, the local's officers have decid-
ed to increase their contributions to the
Transportation Political Education League (TPEL), the UTU's political action commit-
tee, said Local Vice President and Vice Chair-
person Kevin J. Knutson. "We would like to
challenge all other members to do the same,"
Knutson said. Meanwhile, the local hosted its
annual picnic with the sponsorship of Design-
ated Legal Counsel Rossi, Cox, Kiker & Inderwahs, said Local President Billy Mont-
gomery, and members brought out their best wish-
es to Bernie Ridernour, who was the guest of
honor at a recent retirement party.

Local 471, Eugene, Ore.
The Fourth Annual J.C. Anderson Memor-
ial Golf & Barbecue Tour, held August 7 at
the Diamond Woods Golf Course in Monroe,
Ore., drew 123 golfers from miles around,
including lots of retirees and teams that
included wives, sons and daughters of mem-
bers, according to Legislative Representative
Greg Boam. Special thanks go out to Design-
ated Legal Counsel Yaeger, Jungbauer, Bar-
csz & Roe for their sponsorship.

Local 486, Glenclive, Mont.
Members work out two locations separat-
ed by several hundred miles, so two picnics,
one in Glenclive and one in Foryth, were held
thanks to the sponsorship of Designated Legal
Counsel firms H uneg, Stone, Left eave, K vas &
Thorton, Rossi, Cox, Kiker & Inderwah-
and, Yaeger, Jungbauer, Barczak & Roe. (UTU Assistant President Byron A. Barczak was also in attendance.)
Treasurers on the UP who would like to sub-
mit payroll deduction requests to the carrier
should forward their best wishes to Barry Yaeger, Jungbauer, Barczak & Roe for their sponsorship.

Local 492, Sacramento, Cal.
Treasurer on the UP who would like to sub-
mit payroll deduction requests to the carrier
using an approved computer generated form
may receive a template in Microsoft Excel by
the carrier. For information, call (419) 836-8697.

Local 577, Northlake, Ill.
All railroaders are invited to the local's annual family picnic, to be held Monday, Sep-
tember 4, from 11 a.m. to 6 p.m., at Busse
Woods Grove #32 in the Ned Brown Forest

Local 768, Decatur, Ill.
Operating and non-operating employees of the Illinois & Midland Railroad overwhelm-
ingly approved a new contract on Friday, November 1, 1999, and expiring November 01, 2003, that will deliver general wage increas-
es totaling 23%, according to International
Vice President Pete Patsouras. The deal includes a signing bonus, up to four personal leave days, two additional paid holidays, a
crew-contract rule change for less than two
on a crew, elimination of a provision that per-
nitted remote controls, and time-and-one-
half for regularly assigned employees working a
sixth or seventh day. Credit for the pact is
shared by General Chairperson B.L. Jern, Vice Chairperson (Diesel Shop) M.J. Doyle, Vice Chairperson (T&E) C.F. McQuern and
Vice Chairperson (M&W) M.D. Krobe.

Local 933, Jefferson City, Mo.
Members will participate in the Jefferson City Labor Day parade, said President
Dean Menges. Members will be handing out candy, Opera-
tion LifeSaver books, and various UTU pro-
motion items. For information, reach Menges at (573) 653-6839, or send e-mail at <krmenges@prodigy.net>. The local also is hosting a fish fry September 29, and a B-B-Q on September 30, 2000. For
details, contact Local Chairperson Kenny Menges at (573) 635-6415, or send e-mail at <krmenges@prodigy.net>.

Local 1529, Walbridge, Ohio
All members, active and retired, are invited to the local's annual family picnic, to begin at 6 p.m. on October 30 at the Knights of Pythias Hall in Walbridge, said Secretary
and Treasurer Michael J. O'Brien. For infor-
mation, call (419) 836-8697.

Local 1544, Maywood, Cal.
Members are mourning the death of 36-year-
old William Rilling, a well-liked and admired
member, said Local Chairperson George
Dawson. Rolling, a railroad for just four years, was fatally injured in an accident while
picking freight between BNSF yard at Watson,
Cal., and a Pacific Harbor Lines switching accident in the BNSF yard at Watson, Cal.

Local 1567, Corbin, Ky.
Three-year-old Benjamin H. Bentley II, the nephew of member Claude Bentley Jr., has
been diagnosed with spinal and brain cancer, and following months of harsh chemotherapy,
now requires further treatment not covered by
insurance. Donations can be sent to The Ben-
jamin H. Bentley II Medical Fund, c/o L&N
Federal Credit Union, P.O. Box 1264, Corbin,
KY 40702-1264.

Local 1778, Vancouver, B.C.
Rain failed to dampen the spirits of the 70
members and their families who attended the
local's ninth annual family picnic, said Secre-
tary and Treasurer David Morhouse. Good
food, great company, and games and toys for
the kids were featured at an event marked by
a Pacific Harbor Lines switching accident in
the BNSF yard at Watson, Cal.

Around the UTU
News from around the U.S. and Canada

Former NFL player now tackles transit

Former Houston Oilers wide receiver run-
ing back Ed Tanner, who grew up in South
Central Los Angeles and now operates buses for the Los Angeles County Metropolitan
Transportation Authority (MTA), stood in the
limelight again in late July.
Instead of tearing up the gridiron, Tanner ap-
peared on an episode of the History Channel's "Modern Marvels" series entitled Buses.

Looking at the past, present and future
of buses, and sizes and purposes, the
show highlighted the latest "smart" technolo-
gies and detailed the challenges of operating a
large public transit system.

Tanner's appearance marked the first time in
nearly two decades that the member of Local
1564 in Los Angeles, Cal., had received so much attention.

"I definitely miss the excitement of the foot-
ball field," Tanner said, "but I was fortunate to
have found a job that is as challenging as
dodging a 325-pound defender, is rewarding,
and is fun. Serving the public is very important,
and something I look forward to doing every-
day. I love the job."

A resident of Pasadena, Cal., Brother Tanner
attended Los Angeles City College and Ken-
tucky State College. He is engaged to be mar-
ed later this year to Myrte Sitzkun, another
member of the local.

The Los Angeles Department of Transpor-
tation's Automated Traffic Surveillance and
Control Center, an underground “bunker”
where the traffic signals of some of the busiest
intersections in Los Angeles are monitored,
was among the subjects covered in the show
that also examined “talking buses,” the benefits
of compressed natural gas vehicles, the MTA's
new Metro Rapid buses, and the different
stages of building a bus.

“The show is a behind-the-scenes look at
technology improving the transit system in
Los Angeles,” said writer-producer Luke Ellis. “Ed Tanner provided an in-the-trenches perspec-
tive from someone who is actually working
with these new systems. He was very conge-
ial, just a very nice gentleman.”

Preserve near Elk Grove, Ill., located off I-290
(II 53) at Bessinger Road, according to Sec-
tary Kenneth J. Larson. For information, contact Treasurer Dennis L. McDonough at (708) 481-4663, or send e-mail to Brother Lar-
on at tmsmart@pipeline.com>
How to get the most benefits under the NRC/UTU health plan

Benefits under the NRC/UTU health plan are administered by Aetna U.S. Healthcare, Regence Life and Health Insurance Company, and UnitedHealthcare. You can get the maximum benefits offered under the plan by following these tips:

- If you are covered under the Managed Medical Care Program (MMCP), you must use “in-network” providers to get the best benefits. You can find “in-network” providers by looking in the provider directory of the health care company administering the benefits for you. In the Aetna U.S. Healthcare or UnitedHealthcare provider directories, any doctor or provider listed in the directory is an “in-network” provider. You must coordinate any care you receive from these providers through your PCP. In the Regence Life and Health provider directory, “in-network” providers are called Preferred Providers and are identified by a PPO or PPP designation following their name.

- If you are covered under the Comprehensive Health Care Benefit (CHCB), you can reduce your out-of-pocket expenses by using a network provider. These providers have agreed with the health care companies to provide care at a discounted charge. While you will still pay the deductible and 15% of the charge, the amount of the charge will be less. Under the Regence Life and Health CHCB, you will receive the highest benefit if you use a Participating or Preferred Provider. In addition, network providers have agreed to bill the health care company directly. Under CHCB, they will not bill you until the health care company has made payment to them.

Plus, since they are network providers, there is never a question regarding what is the reasonable and customary charge. Preferred Provider and Participating Provider directories for members covered under the MMCP or CHCB plans also are available by calling the toll-free numbers listed at right. Be sure to show your doctor your NRC/UTU plan identification card. It identifies the benefit plan you have and helps the doctor’s office handle the bill correctly.

### Telephone numbers

If you have any questions regarding your UTU/NRC health benefits or network providers, you can get answers by calling your health care insurance provider, toll free, at the following numbers:

- Aetna U.S. Healthcare: 888-332-8742
- Regence Life and Health: 888-977-2583
- UnitedHealthcare MMCP: 888-445-4379
- UnitedHealthcare CHCB: 800-691-0013

These numbers are also on the front of your NRC/UTU plan identification card.

You can also find providers on-line by visiting these web sites:

- Aetna U.S. Healthcare: www.aetna.com
- Regence Life and Health: www.bluecares.com
- UnitedHealthcare: www.uchc.com

This information is also applicable to members covered under the Railroad Employees National Health and Welfare Plan which is administered by UnitedHealthcare and Aetna U.S. Healthcare. The toll-free numbers are as follows:

- Aetna U.S. Healthcare: 800-842-4044
- UnitedHealthcare MMCP: 800-842-9905
- United Healthcare CHCB: 800-842-5252

### Bus Department

By Bernie McNells

We should police ourselves first

I was recently searching the Internet and decided to see what progress foreign countries were making in the fight against illegal child labor abuse. As I was about to look into that, I decided I better look first into my own back yard and see how the U.S. is doing on this issue.

As you guessed, we are not pure in this country. This time, in a report from the Associated Press followed up by a study they authorized and based on reports from the U.S. government, child labor is still widespread in our own country. The number of underage children working illegally is as bad as the number of children being used in some foreign countries, but one illegal action is one too many, and our country should not have any children working illegally. Companies that were found to be using illegal child labor are located in states from New Mexico to New York.

The report found in one instance a family of four – husband, wife and two children – working in the fields. They made a total of $140 the week they were being interviewed. Not only is there the issue of child labor, but what we see is that most of the children are minorities and mostly Hispanics and Chinese. These families need the work and, unfortunately, they feel they have to use every member of their family to make a minimal living. The Associated Press found some children as young as three years of age working in the fields. One company claimed that the child was just watching. Look into your house and imagine your three-year-old picking in the “fields.” Some of the children work and attend school. Imagine your child, 8 to 12 years old, attending school and working in a job.

You can bet the owners of these companies employing illegal child labor do not have their children picking in the “fields.” In unity there is strength.
**Don’t play politics with retirement bill**

Everything was set in mid-July for the U.S. House to pass the Railroad Retirement and Survivors Act of 2001, known as H.R. 4844.

Then we can only describe as strange Congressional politics put the brakes on.

After H.R. 4844 overwhelmingly passed the House Transportation and Infrastructure Committee by a 62-1 vote, a Republican Congressmen from Missouri, Kenny Hulshof, offered an amendment that would have repealed a tax on diesel fuel levied on trains and river barges.

House Ways and Means Chairman Bill Archer (R-Texas) accepted the amendment, which resulted in the bill being stalled until after Labor Day.

Now, politics is nothing new when it comes to Congressional legislation. Neither is finger pointing.

But we believe that this Railroad Retirement bill is too important to our members – and the members of our labor coalition of 11 organizations representing three million workers – for us to get caught up in partisan politics.

We’d like to take the Speaker of the House, Dennis J. Hastert, at his word. The Republican leader said he is “committed to the expeditious consideration and passage” of H.R. 4844 in September.

For that to happen, it means the fuel tax repeal, which has nothing to do with Railroad Retirement legislation, must be removed from the bill.

The fuel tax repeal is a favorite among many in Congress – and is wanted by the railroad and barge industry, which would save tens of millions of dollars annually – but it if remains it would likely spell the end for the best improvements to Railroad Retirement in a generation.

The railroads are saying they don’t want this tax cut attached to the Railroad Retirement bill, and that is welcome news.

So, we will take Speaker Hastert at his word. Because if the House doesn’t pass a “clean” H.R. 4844 in September and send it to the Senate for ratification, then three million union members and their families will know who to blame in the November elections.

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**Al Gore for president**

The Democratic and Republican conventions are now history, and Labor Day marks the traditional start of the hand-outs to the White House. But as we all know, the race for the White House has been going on for months and the themes have been playing out all summer.

This November, the choice for president is very clear. If you don’t think so, then think about the way things are. And the way we will be able. All of organized labor – and every working American – knows that the last eight years under Bill Clinton and Al Gore have been a lot better than the previous 12 years under Ronald Reagan and George Bush.

The UTU was the first major labor organization to endorse Al Gore for president earlier this year, before the 62-1 vote by the House Ways and Means Committee. The UTU and Gore talked about his long history with the UTU, and said he believed in us. We believe in him, too.

UTU was also the first major union to endorse Bill Clinton for election in 1992 and re-election in 1996. He has been a friend of the UTU and a friend of organized labor, as has Gore. We are confident that Gore has compassion for the working men and women of America and will give us a fair shake. We know that he has strong leadership skills and he will use them for the benefit of labor.

Twice during the Reagan/Bush years, the UTU and rail labor got smacked across the face with Presidential Emergency Boards (PEB). In fact, it was a Reagan-appointed PEB that led to the much-maligned 1985 contract that created the two-tiered wage system and entry rates.

As we are now in the first stages of negotiating our first national contract of the 21st Century – one that we believe will end that system – we cannot afford to take the risk of a George W. Bush White House imposing PEB on us and then letting a Republican Congress drive the nails in the coffin.

The UTU is committed to doing whatever it takes to elect Al Gore our next U.S. president.

We are also committed to electing a Democratic majority in the U.S. House, where Dick Gephardt would be speaker, and in the Senate, too.

While the UTU has good relations with many fine Congressional Republicans who stand with us on our core issues, we believe that it is in the union’s and members’ best interests to have a labor-friendly Congress, which means a Democratic Congress.

These are the reasons we count down to the first Tuesday in November. If we want to protect our jobs and our families, then we must work hard and get out the vote for our candidates.

It is also the time to talk to your state political directors and connect with TPEL and our nationwide effort. Together, we can make a difference.

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**From the UP’s Omaha Office to the Oval Office**

The last week of July found Missouri Republican Congressman Kenny Hulshof tagging an unnecessary amendment onto H.R. 4844, our Railroad Retirement bill. Because of the addition of this surprise amendment, Congress adjourned for its August recess without passing this legislation as expected.

However, we expect H.R. 4844 to get over this speed bump on its trip through the House and Senate and to the lawn of the White House for a signing ceremony.

When Hulshof added his amendment, UTU and its coalition members representing three million workers immediately went to work to correct this situation. When it was said that anyone could straighten out this situation would be at the Republican convention.

I was not totally unprepared for the Republican convention because the UTU has a long history of being bipartisan. Many times in the last few years, as many as 50 Republicans have stood with UTU at critical times. They have done this even against the interest of the railroads.

The week at the Republican convention went pretty much as I expected. Most of my time was devoted to clearing up the problems of H.R. 4844.

One of my lasting impressions from the convention, however, was the significant presence of the Union Pacific. They brought more than 30 private rail cars to Philadelphia. They had more than half a mile of track laid on panels across a parking lot to bring their private cars as close to the Convention Center as possible.

On some nights, Union Pacific had more floor passes than some of the delegations. They had more passes than 37 of the states had delegates.

The most significant event of the Republican convention was the choice by George W. Bush of Dick Cheney for vice president. Among many other things, Cheney is a former congressman from Wyoming who, during his time in Congress, advocated the lifting of sanctions against Iran so that American corporations could search for oil.

This is the same Dick Cheney who voted against a resolution that called for the release from prison of Nelson Mandela, who later became a Nobel Peace Prize winner. Mr. Cheney wanted to keep Mr. Mandela away from the bargaining table because he might have been a communist.

Until the time of Bush’s selection, Mr. Cheney was the CEO of Haliburton, an oil company, and was on the board of directors of the Union Pacific. Now, with the Cold War over, don’t be surprised if the hot line in a Bush/Cheney Oval Office is connected to Omaha instead.

I have learned that in politics people usually vote with and support their friends. I can assure you that UP made Herculean efforts to make as many of our friends as possible at the Republican convention.

As we are now in the first stages of negotiating our first national contract of the 21st Century – one that we believe will end that system – we cannot afford to take the risk of a George W. Bush White House imposing PEB on us and then letting a Republican Congress drive the nails in the coffin.

If you don’t believe me, just look at the-made 1985 contract that created the two-tiered wage system and entry rates.

As we are now in the first stages of negotiating our first national contract of the 21st Century – one that we believe will end that system – we cannot afford to take the risk of a George W. Bush White House imposing PEB on us and then letting a Republican Congress drive the nails in the coffin.

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While the UTU has good relations with many fine Congressional Republicans who stand with us on our core issues, we believe that it is in the union’s and members’ best interests to have a labor-friendly Congress, which means a Democratic Congress.

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It is also the time to talk to your state political directors and connect with TPEL and our nationwide effort. Together, we can make a difference.
UTU News

State Watch

N news from U T U State Legislative Boards

Arizona
Retired Assistant Legislative Director Bill Elzey (L-113) received the District Chairman of the Year Award at a ceremony hosted by the Arizona Democratic Party for his more than 30 years of outstanding work on behalf of Democratic Party candidates and all working persons in Navajo County.

"Bill was completely surprised when his name was announced because Assistant Director Dave Shearer and I invited him down from Winslow to participate in the awards dinner without advising him he had been nominated and had won the award," Legislative Director Scott Olson said.

Elzey was presented the award by Barbara Lubin, the Democratic candidate for Arizona Corporation Commissioner and a life-long friend of the UTU.

Also receiving an award was retired UTU member Bill Pyritz (L-1800), who was recognized as Campaign Volunteer of the Year in his district.

Barbara Lubin greets Bill Elzey after he was presented with the District Chairman of the Year Award last month in Phoenix, Ariz.

Michigan
The UTU’s Michigan State Legislative Board has established an Internet website to keep members there updated on issues that affect their employment and livelihood.

Michigan Legislative Director David Brickey said that the site can be reached at <http://members.aol.com/umis/mlb.htm> which also contains links to send e-mail to Brickey, Assistant Director Donnie H. Carter and Secretary Gregory A. Mathey.

Brickey is urging all UTU members in the state to contact U.S. Senators Carl Levin (202-225-6221) and Spencer Abraham (202-224-8225) and request their support of H.R. 4484, the Railroad Retirement and Survivors Act of 2000, which affects millions of railroad employees.

"UTU members living in Michigan’s 14th Congressional District need to support Ms. O’Shaughnessy. She will be a good friend of labor if elected," he added.

O’Shaughnessy, a single parent who earned a college degree while working as a funeral director in her family’s 111-year-old business and caring for elderly parents, currently serves as a member of the Columbus City Council.

"I am optimistic about our future, and I know with hard work, a lot of listening, good ideas and the right experience, we can build a better future for families," O’Shaughnessy said.

Thompson also updated a report to last month’s UTU News, stating that Ohio Gov. Robert Taft signed into law Senate Bill 207, which increases the penalty for the obstruction of a road or highway by a railroad train from a minor misdemeanor to a misdemeanor of the first degree.

Oregon
Members of the Oregon State Legislative Board met from August 15-17 in Salem to select candidates for endorsement at the state and national levels in the upcoming November general election.

In attendance were Legislative Director D é memor Hanson (L-473), Assistant Legislative Director Greg Baillie (L-474), Secretary Marvin Williams (L-1573) and Office Manager Jamie Victor.

Read it, they would discuss many of its topics, always with positive comments.

My father was a member of Local 1760, Detroit, Mich. During his career as conductor and assistant trainmaster, he resolved many disputes for his union brothers, and always in a protective way for their safety and continuous employment.

Our entire family wishes to offer our sincere thanks for all the positive things the UTU did for their retirees, and especially for the continuous mailings of the UTU News. After the retirement of railroad workers, the UTU was the only railroad-associated entity that kept in touch with its members, and always looked out for their welfare.

Thanks again for all you have done.

Sincerely yours,

Nardine Werton Koester,

husband of Nardine Werton Koester

The following letter was received recently at the International.

Dear Sirs:

This is to notify you that my father, William T. Werton, retiree of the Chesapeake & Ohio Railway, passed to eternal life on August 3, 2000, at the age of 96.

My father really enjoyed the UTU News, and looked forward to its delivery. After he read it, he would pass it on to my husband, who retired from CSX as director, signals and communications operations. After they both
How contracts are negotiated in the U.S. railroad industry

Unlike other unions in the U.S., railroad unions must negotiate contracts under a process mandated by Congress that severely restricts the “right to strike” and too often lets the government decide what goes into an agreement.

By Dan Johnson

Sometimes this fall, if all goes as planned, a long-term national wage/rule agreement will be put to a ratification vote. At that time, you will have to decide whether to vote “yes” or “no” and what the ramifications of a “no” vote will mean to you and your fellow UTU brothers and sisters.

In order to help you make a more informed decision when the time comes, it is important to understand what makes rail labor – and our negotiating process – different from just about every other unionized industry in the United States. Unlike nearly every other industry, rail labor negotiates agreements under a process mandated by the U.S. Congress.

In fact, the Railway Labor Act (RLA) sets forth procedures where the President of the United States and Congress (with the Commerce Clause power) can heavily impact our contract if we don’t reach an agreement with the carriers. This comes into play when labor and management fail to reach a voluntary agreement during contract negotiations, which has been too often the case in the last 40 years – and which has hurt rail labor deeply.

Operating under the RLA also means that we do not have the right to strike when we are at a contract impasse, unlike unions representing workers in other businesses. Only the airline industry, which also falls under the RLA, shares that circumstance with us. This fact alone means that rail labor must be more vigilant in the negotiating process. If an agreement is not reached, then a third party is called upon to formulate the agreement for the rail union and its carriers.

It is imperative as we look to ratify our first contract of the 21st Century that we keep the government out of our business. History shows that rail labor loses when a third party imposes a contract upon us.

This time, however, it is vitally important not to cut off our nose to spite our face. We cannot not keep our head buried in the sand and must fully understand the ramifications of our actions if we choose to vote down the upcom- ing contract proposal and place our fate in the hands of Congress, the federal courts, and the President.

So the real question becomes: Is it in our collective best interests to ratify a contract or to roll the dice and try to negotiate something “better” using the mandated steps contained within the federal law as found in the Railway Labor Act?

To answer this fundamental question, it is important for each of us to become more knowledgeable about the RLA and its consequences. And, if history teaches us any hard lesson, it is that rail labor does poorly when it cannot control its own destiny and places itself in the hands of the Congress and President.

RLA controls negotiations

The Railway Labor Act was enacted by Congress more than 70 years ago and it controls our negotiating process. Contrary to what many rail union employees believe, we do not have normal and traditional flexibility to “force the issue” during negotiations. That’s because the RLA severely and significantly restricts our legal right to strike.

Congress created the RLA to preserve the status quo during the negotiating process and to ensure that interstate commerce is not interrupted. During the course of the RLA-mandated procedures, neither the union nor the railroads may resort to strike, lockout, or change the contract until certain steps have been completed.

The RLA process begins with serving a notice under Section 6 in which one party to the agreement informs the other that it is proposing to change the existing contractual relationship. For example, the UTU served its Section 6 notice in November 1999 for this contract. Then the parties must confer on the matters raised and, if an agreement is not reached, either or both parties may seek the services of the National Mediation Board (NMB).

W hat if mediation fails?

If mediation by the NMB fails to produce an agreement it offers to submit the dispute to binding arbitration, which can only take place if both parties consent. However, if arbitration is refused, and the NMB determines that the dispute threatens to substantially interrupt interstate commerce that could deprive the railroads of the benefits of essential rail transportation service, the President is notified.

The President may then create an “emergency board” – or PEB – to investigate the situation and report its recommendations within 30 days. The most infamous was Ronald Rea- gan’s PEB 208, which was set up under the Voluntary National Mail Service and established the infamous entry rate and dual-basis-of-pay system.

If the NMB does not make the determina- tion that triggers Presidential involvement, or if the President declines to create an emergency board, the parties are free to resort to “self-help” – strike, lockout, change in work rules and/or rates of pay – but only after a 30-day period following the refusal to arbitrate. If a PEB is created, the parties may not resort to self-help until 30 days after the board submits its report. Remember this: Congress has the power under the Commerce Clause to write an agreement for both labor and management and impose it upon them.

W hat could happen?

If the UTU Constitution the members reject the upcoming contract, we may turn to mediation at the NMB. However, mediation takes control away from both sides. Additionally, while in mediation, neither party may legally resort to self-help. That means we cannot strike and the carriers cannot lock us out.

And since there is no time limit to mediation, it can last a week, a month, a year, or until hell freezes over.

During the last 60 years, rail unions and the carriers have tried to use court action when seeking release from mediation. The courts, however, have never allowed either side to do so. Instead they have left it up to the NMB to determine when the parties will be released from mediation. In reality, this means the President determines when the parties will be released since he appoints the NMB members. Also keep in mind that the mediator, in this case the NMB – does not have the authority to write an agreement for the parties. He or she may only facilitate the process and has no right to impose a contract.

W here does that leave us?

If the upcoming contract is voted down, we will likely go back to the carriers and attempt to change it so it is acceptable to UTU members in their respective historical crafts. If we can’t get a voluntary agreement, we are then stuck in mediation until released. This means that the parties will be asked if they are willing to permit an arbitration panel to hear their arguments and write an agreement for them.

But if either the carriers or the UTU declines the offer, there is no binding arbitration. At that point a 30-day countdown begins at the end of it we are free to strike and the car- riers are free to lock us out or promulgate, which means that the carriers take the wage-and-rule demands on us and force us to work under these changes – unless we strike.

W hat happens next?

If the NMB believes an interruption in inter- state commerce is imminent at the end of the 30-day countdown, it will notify the President. At this point, he has two options: Appointing a Presidential Emergency Board. And usually a PEB is appointed. But like the mediator, a PEB does not have the authority to write an agree-
The UTU has a good relationship with President Clinton and Vice President Gore. But with the White House up for grabs in November, no one can predict what will happen. And remember that the last Republican President, Ronald Reagan, appointed two PEBs that led to entry rates and the dual basis of pay – something we are committed to ending in this contract.

The PEB can offer its recommendation and, when it does so, another 30-day countdown begins. If we don’t arrive at a voluntary agreement, we are again free to strike and the railroads once again can lock us out or promulgate. But, if at any time during this period, either by lockout or strike, there is an interruption of interstate commerce, Congress can intervene under the Commerce Clause. This is what happened in 1991 during national negotiations. PEB 219 made its recommendations, and later we struck. Congress then intervened and ordered us back to work and by virtue of Public Law 102-29 imposed the finding of PEB 219 as the agreement.

Let Congress decide?

When Congress intervenes, it generally rubber-stamps the findings of the PEB. Today, both the House and Senate are controlled by the Republicans, who traditionally have been anti-labor and pro-management. The question becomes: Which party will control Congress after the November election? And, if the Republicans retain control, do we want to roll the dice and let a Republican Congress dictate our contract terms?

Historically there has been little economic sympathy for railroad workers in government, especially a Republican-controlled White House and Congress. While we believe we are worth every cent we are paid, others see railroad workers as among the highest-paid (some say overpaid) union workers in the country. Add that to the fact that the railroads themselves continue to be the second most capital-intensive industry in North America, and it adds up to a real problem for rail labor.

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Railway Labor Act collective bargaining procedures

<table>
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<tr>
<th>Phase 1: Direct negotiation; no time limit</th>
<th>Phase 2: NMB: no time limit</th>
<th>Phase 3: NMB declares impasse, 30-day countdown begins if arbitration rejected</th>
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<tbody>
<tr>
<td>WE ARE HERE</td>
<td>Failing Ratification, We Will Be Here</td>
<td>NMB may notify President of possible threat to commerce</td>
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**Decision**

- If NMB or President fails to act, procedures end
- If NMB proffers arbitration, which either party may reject
- NMB may notify President of possible threat to commerce
- President may name Emergency Board; report due in 30 days
- U.S. Congress carriers free to exercise “self help”
- Public Law
House action
Continued from page 1

Discipline
Continued from page 1

not require funding from the general budget, and the diesel fuel tax cut was not part of the original agreement. In addition, House members are leery of forwarding to the Senate a bill that has added tax provisions. Oftentimes, the Senate will then request the bill be introduced or given a number. The committee was strongly urged to contact both of the organizations will quickly agree to extend the benefits of the process to their employees. In a CN press release, Ed Harris, vice president of CN's Midwest Division, said, "We continue to be compensated a basic salary, will be allowed to participate in the ICA process. In the case of multiple similar violations within a two-year period, employees will participate in a "General Manager's Lab," personally meeting with the general manager to discuss the infraction and suggest his or her own ICA. In a CN press release, Ed Harris, vice president of CN's Midwest Division, said, "We strive to make our work environment as safe as possible. We value employees who display their commitment to safe operations by complying with all rules and working as part of a team. By emphasizing mentoring, coaching, and personal improvement rather than negative discipline, ICA will provide the railroad, UTU and UTU members a framework to improve communication, cooperation and moral of all of which will help make CN an even safer work place to work. "The new ICA is a major milestone in the continuing improvement of labor-management relations and the CN's properties in Michigan and Indiana," Thompson said. "The ICA process is a recognition that rail labor and rail management are both committed to making rail operations as safe as possible." In the case of minor infractions, employees who elect to participate in the ICA process will have the option of reverting to the traditional discipline process or referring the case to an Employee Review Committee established under the new policy. The Employee Review Committee, consisting of three employees assigned by the general chairman, will have sole discretion to determine the ICA in such situations. Major infractions, especially those subject to dismissal, will continue to be handled through the traditional discipline process.

CN has discussed the ICA policy with other labor organizations, according to Harris. "While UTU has taken the lead on our Michigan zone," Harris said, "we hope other organizations will quickly agree to extend the benefits of the process to their employees."
FELA Update

You decide: True or False?

1. If an injured railroader’s personal injury claim is resolved, either by settlement or trial, that claim may be re-opened at a later time in the event of further medical complications.

2. An injured railroader who hires legal counsel may have the lawsuit filed in any state the injured person wants it to be filed.

3. In handling railroad injury claims all lawyers charge as attorney fees 25% of the amount recovered for the injured person.

ALL of the above statements are FALSE.

1. Once an injury case has been settled between the railroad and the injured employee, or once the jury’s verdict is final, that’s all there is. Unless there has been fraud or unless both the railroad and the employee are mistaken about a very important fact, there is no second chance. One bite of the apple is all you get.

2. There was a time when courts were much more liberal about where lawsuits could be filed. Today, an injured person’s choice is more restricted regarding where the case will be heard. Generally, the trial will be where the injured person lives, in the locale where the injury occurred or possibly where the injured person received a lot of medical care.

3. Not all lawyers charge 25% for handling an injury case. Standard fees can be 33% or even 40%. That is one reason to call your UTU Designated Legal Counsel. He has agreed not to charge you more than 25% for representing you if you get hurt on the job.

Monte Bricker, coordinator
Designated Legal Counsel Program
1-888-241-7076

Negotiations

Continued from page 1

UTU News went to press.

General Chairperson Williams praised the hard work and diligence of the negotiating committee.

“The negotiating committee is doing an excellent job in making sure the members continue to receive the benefits and protections to which they are entitled. They will continue in that effort,” the UTU officer told UTU News.

General Chairperson Williams also praised the UTU members working on the MTA for their continuing support of the union’s efforts to win them wage and rules improvements.

“We are pleased that the members have been most supportive of the negotiating committee during this period,” Williams said.

Monthly winner

This month’s lucky winner of his choice of any item of apparel bearing the UTU logo is retiree Virgil Reeves of Local 1389, Russell, Ky., which represents workers from the CSX Transportation Co. These items are awarded every month by random drawing as a show of appreciation to the many members who have been supportive of the UTU throughout the years.
International effort promotes good will

As UTU Assistant National Legislative Director, Willis G. Croonquist, finds a point of difference on an international level. As a retiree, he asserts an international influence through the Friendship Force.

Begun in 1977, the Friendship Force is a private, nonprofit citizen exchange organization fostering world friendship, goodwill, and peace through international home-stay experiences. Each year, some 6,000 “goodwill ambassadors” share the lives of a host family in another country for one to two weeks.

This year marked the fourth time that Croonquist, a member of Local 1177, Willmar, Minn., hosted a delegation from Russia. While the visit was coordinated by the Friendship Force, his guest came under the auspices of a Library of Congress initiative called the “Russian Leadership Program.”

“My guest this summer was Olga Kachina, a 37-year-old businesswoman who serves as an aide to a member of Russia’s Parliament,” Croonquist said. “I’m chairperson of John Filter, 22-year-old daughter, Maureen, who is very fluent in Russian, did a great job for us as a translator.”

An investigator for Designated Legal Counsel Huntge, Stone, LeNaive, Kvas & Thornton, Croonquist cites fellow Minnesotan Hubert Humphrey as the man who inspired him politically. “I was a young brakeman when I first heard Humphrey speak,” he said, “and he lit a fire under me.”

Croonquist began his career as a fireman on the Great Northern in 1955, and joined the Brotherhood of Locomotive Firemen & Engineemen just short of the requisite 10 years of seniority to become an engineer, a movement to eliminate firemen resulted in Croonquist becoming a brakeman and a member of the Order of Railway Conductors and Brakemen.

Elected local legislative representative in 1968, he found his way onto the state legislative board, and in 1984 became state legislative director, a post he held for nine years. In 1991, he was elected UTU assistant national legislative director, and resigned in 1993 when the railroad offered a package, according to John Filter, 22-year-old daughter, Maureen, who is very fluent in Russian, did a great job for us as a translator.”

The UTU Retirees Club has an arranged an Alaskan cruise experience next year that UTU as a deluxe or as economical as you want it to be! Whether you choose the seven-night, round-trip Voyage of the Glaciers, priced from just $879 to $1,799, or the 14-day Alaska/Wilderness Cruise, priced from $2,279 to $3,179 (all prices per person, based on double occupancy), you’ll be leaving Vancouver on May 21, 2001, in luxury on the fraternal journey of a lifetime.

Share the experience of cruising the Inside Passage, arriving at such historic and exotic ports-of-call as Ketchikan, Juneau and Skagway. The cruise ship, the Princess Cruises’ “Cruise to Alaska,” is a comfortable 964-guest, 10,782-ton Bermuda-class vessel with a lovely public room, extensive conference facilities and a wide range of entertainment, dining and leisure amenities.

Your seven-night cruise departs Vancouver on Saturday, May 19 for a visit to Victoria, British Columbia, and arrives in Seattle the next day. You’ll then cruise to Juneau, Ketchikan, Juneau (again), Skagway and Victoria before returning to Seattle on May 26. The “round-trip” cruise departs Seattle on May 22, arriving in Victoria on May 25, for a visit to Victoria before continuing on to Juneau, Skagway, Juneau (again), Ketchikan, Victoria and finally returning to Seattle on May 29.

746th ROB to reunite, seeks clue to mystery

Members of the 746th Railway Operating Battalion (ROB) are spreading the word about their 53rd reunion, to be held September 13-16, 2000, at the Nevele Resort Hotel in Ellenville, N.Y., and trying to solve a mystery.

According to retired member David J. Spellman, Jr., of Local 385, Croton-on-Hudson, N.Y., the ROB’s banner, or “colors,” ended up missing some years ago. Any information regarding the missing battalion colors will be appreciated.

For information about the reunion, or to report clues as to the whereabouts of the missing colors, contact Brother Spellman at 105 Cos姑ligh Square, Montrose, NY 10548, or call him at (914) 737-6452.

Lehigh Valley Railroad pensioners plan reunion

Plans have been finalized for the 18th Annual Lehigh Valley Railroad (LVR) Retirement and Dinner, according to UTU Retiree Program member Eugene K. Schuler of Local 498, Allentown, Pa.

Open to all crafts, the event will be held Saturday, September 16, 2000, at the Plainfield Township Fire Hall, R.D. #1, Pen Argyl, Pa., on Rt. 115 in Northampton County. Doors open at 11 a.m., with dinner served promptly at 1 p.m.

For information, contact George W. Daugherty at 1357 Jefferson St., Hellertown, PA 18055-1316, or call (610) 838-0675.
More than 1,000 women now belong to the UTU, and, like men, they take pride in their union membership.

To help show that pride, the UTU is introducing a woman’s ring to its line of high-quality items bearing the UTU logo.

This beautiful new UTU woman’s ring proudly displays the UTU logo and highlights the slogan “Progress Through Unity.”

The ring features the wearer’s smooth-top or facet-cut simulated birthstone circled with the words “United Transportation Union.”

A hand-crafted heirloom fit to last a lifetime, the UTU woman’s ring is available in either 10-karat or 14-karat gold plating and can be engraved with the wearer’s name, local number or other inscription.

These woman’s rings are available for just $330 for 10K gold or $355 for 14K gold; add $12 for engraving of last names (up to 10 characters) on side, $6 for year or local number on opposite side, or $7 for inside engraving of name, date, initials or other message.

Shipping is $5 per ring, or $15 to Canada. Payments can be made by check or money order (payable to Chittock Associates; U.S. funds, please.) Visa and MasterCard also are welcomed. Please include your card number, expiration date and signature with order.

Since the rings are hand-crafted, please allow six to eight weeks for delivery.

For information about birthstone choices, or to have an order form faxed to you, call (440) 247-5414.

For mail orders, send your name, address and daytime telephone number along with the ring size, birth month or stone color, and personalization instructions to Chittock Associates, 67 E. Washington St., Chagrin Falls, OH 44022. Orders also can be faxed to (440) 247-4800.

The UTU woman’s ring makes a great gift for any birthday, anniversary, retirement or other memorable occasion.

Show your UTU pride and order one today.
Get your UTU VISA® card now

The new UTU VISA cards, issued by National City Bank, are now available to members, family and friends. National City sent a mailing to UTU members in late July offering the new UTU VISA cards. Have you responded yet? Don’t forget, the VISA cards issued by National City replace the old UTU credit card. So, apply for the new UTU VISA and transfer your balance to 3.9% APR.

**UTU Prime Rate Visa**
- Platinum and Classic Visa: Introductory 3.9% APR for the first six billing cycles; Thereafter, the Prime Rate, currently 9.5%; At least a 25-day grace period on purchases; $35 annual fee for VISA Platinum; $25 annual fee for Classic VISA.

**UTU No Annual Fee Visa**
- Platinum and Classic Visa: Introductory 3.9% APR for the first six billing cycles; Thereafter, the Prime Rate plus 4.9%, currently 14.4%; At least a 25-day grace period on purchases.

**Additional Visa Platinum Benefits**
- $250,000 travel accident insurance;
- Automatic rental car insurance;
- Global emergency travel assistance services;
- All UTU cards will soon have a special Internet e-commerce rebate program that lets members earn rebates from 5% to 25% on purchases made through the PrimeCard e-commerce website. Rebates will be automatically received on the VISA statement for purchases from more than 500 merchants like Noble, The Gap, Hardware.com, CarParts.com and The Sharper Image.

Starting saving money now by transferring balances from higher-rate credit cards to 3.9% APR. You could save hundreds of dollars the first year alone.

To apply by phone, call 1-800-992-8124, 24 hours a day, 7 days a week. Hurry, this offer expires Sept. 30, 2000.

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Get your UTU VISA® card now

All UTU cards will soon have a special Internet e-commerce rebate program that lets members earn rebates from 5% to 25% on purchases made through the PrimeCard e-commerce website. Rebates will be automatically received on the VISA statement for purchases from more than 500 merchants like Noble, The Gap, Hardware.com, CarParts.com and The Sharper Image.

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**Information, Please**

I would like more information on UTUIA’s Disability Income Replacement insurance.

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Complete and mail to: UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250