

The logo for UTU News features the letters 'UTU' in a stylized, bold font. The 'U' on the left is blue, the 'T' in the middle is red, and the 'U' on the right is blue. To the right of 'UTU' is the word 'News' in a large, black, sans-serif font. The entire logo is set against a white background.

The Official Publication of the United Transportation Union

THE VOICE OF TRANSPORTATION LABOR

“We are not optimistic that anything will change as to the status of H.R. 4844 unless that change comes from outside Washington, D.C.”

– *UTU National Legislative Director James Brunkenhoefer*

News & Notes

Calendars, time books

CLEVELAND – The 2001 edition of the UTU’s time books for rail, bus and transit members will soon be available. The books are great for keeping track of time worked, runs completed, money earned and taxes withheld. Time books will be sent via UPS to all local secretaries and treasurers so they can distribute them to individual members at upcoming local meetings and at crew change points. Contact your local secretary or treasurer if you don’t get a copy. The 2001 edition of the UTU calendar, featuring full-color photographs of UTU members on the job, is being mailed to all UTU Retiree Program members.

Amtrak offers discount

NEW YORK CITY – VeteransAdvantage, Inc., the first online private-sector benefits company for military veterans and their families, has announced an exclusive partnership with Amtrak. Beginning January 2001, veterans of any war, rank or branch of service, and who are also members of VeteransAdvantage, will be entitled to a 10% discount when traveling on Amtrak (although certain restrictions may apply). To access these benefits, a veteran simply registers with VeteransAdvantage at <http://www.veteransadvantage.com>. VeteransAdvantage members may receive their discount when making reservations on the Amtrak web site (www.amtrak.com) or by presenting their VeteransAdvantage membership card at any Amtrak ticket counter.

High-speed rail approved

TAMPA – Florida voters have approved a constitutional amendment which directs the state to build a network of high-speed trains linking this car-clogged state’s five largest urban areas. Wealthy land owner C.C. “Doc” Dockery put up \$3 million to get the 624,000 signatures needed to put the measure on the ballot. Tampa Bay-area officials are said to support the first segment, which would run from Tampa to Orlando. Estimated costs for the network range between \$8 billion and \$22 billion.

Transport workers meet

CLEVELAND – The International Transport Workers Federation, with which the UTU is affiliated, is having a meeting in Washington, D.C., this month dealing with multinational bus companies. These companies include Stagecoach, Laidlaw, FirstGroup and National Express. The UTU will be represented by Vice President Bernie McNelis, as well as other officers and chairpersons. “This meeting is important because you get to learn what effect these multinational companies are having throughout the world,” McNelis said.

UTU, CN reach tentative pact for Michigan Zone workers

TROY, Mich. – The UTU and the Canadian National Railway (CN) have reached a tentative contract covering about 450 UTU-represented workers on the former Grand Trunk Western Railway.

At *UTU News* press time, the proposal was out for a ratification vote, with ballots to be counted Dec. 5.

The former Grand Trunk territory covered by the tentative contract, stretching from Port Huron, Mich., to Toledo, Ohio, and Chicago, is now the Michigan Zone in CN’s Midwest Division. It includes the Grand Trunk Western, the Detroit, Toledo & Ironton, and the Detroit & Toledo Shore Line, where the UTU represents conductors, brakemen and yardmen.

If approved, the new UTU/CN contract would be retroactive to 1998 and run through the end of 2001.

General Chairperson Steve Thompson said negotiations over the contract have been going on for almost three years. “Section 6 notices were served in February 1998; our last pay raise was in 1997,” Thompson said.

Part of the delay in hammering out the new pact was due to the cramdown maneuvers pur-

Rail contract still pending

CLEVELAND – UTU general chairpersons have submitted their questions regarding the proper interpretation of the proposed national wage and rule settlement to the UTU National Negotiating Committee, and the committee members have answered those questions, according to their understanding of the pending agreement, as this edition of *UTU News* reached deadline.

Those questions have also been submitted to the carriers for their review, and it was anticipated the carriers would respond with

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sued by CN following its purchase of the railroads affected by this contract.

“That took time away from negotiations. They were successful in putting the Detroit, Toledo & Ironton agreement in force over the

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Member killed in train crash

LINCOLN, Neb. – The worst fears of family members became reality after they identified the body of a railroad crewman following an accident in late October near Flagstaff, Ariz.

The remains of 38-year old Mark Hurtz, a member of UTU Local 305, Lincoln, Neb., were found in the wreckage of two Burlington Northern Santa Fe (BNSF) freight trains, according to reports. The accident left crushed and burnt rail cars sprawled across the snow.

The crash pushed several cars off the tracks. Three locomotives burst into flames, burning thousands of gallons of diesel fuel. Flames lit the sky through the night. A dozen cars from the lead train, which was stopped on the tracks, and three from the rear train, derailed. Several more stayed on the tracks.

Jerry and Margaret Hurtz of Omaha flew to Arizona to identify their son. “They’re in

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Rail retirement measure on hold

WASHINGTON – The battle to enact the provisions of the Railroad Retirement and Survivors’ Improvement Act of 2000 may be nearly over, but the war is just beginning.

As this issue of *UTU News* goes to press, Congress is at a standstill due to the lack of leadership and the uncertainty over the presidential race.

A lame-duck session of Congress may be convened this month, but the legislators will have their hands full trying to pass a budget and acting on other matters.

“We are not optimistic that anything will change as to the status of H.R. 4844 unless that change comes from outside Washington, D.C.,” UTU National Legislative Director James Brunkenhoefer said.

“Members of the Congress and the Senate will be at home during the holidays. Please

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Around the UTU

News from around the U.S. and Canada

Local 100, Oakland, Cal.

Retiree Program member and author **Dick Murdock**, 83, is stepping aside as editor of the *Oakland Old Rails News*, and seeks someone to take over and keep the publication alive. The newsletter is an outgrowth of the former *Port Costa News*, first published in 1957 by the late **John F. Cody**, former UTU local chairperson and Benicia, Cal., city councilman. Those interested are urged to contact Murdock at P.O. Box 1346, Ross, CA 94957-1346, or call him at (415) 454-1771.

Local 498, Allentown, Pa.

Among those who attended the 18th Annual Lehigh Valley Railroad Reunion in September was active member **John M. Hedmeck**, who at age 76 continues to work as a conductor for CSX, according to **Eugene K. Schuler**, a reunion committee member who thanked all those who continue to make this gathering a successful and memorable event.

Local 924, Richmond, Va.

More than 460 persons attended this year's family picnic, which was marked by the appearance of the UTU's mobile education and training facility, *Membership I*, said Local Chairperson **James Chapman III**, who represents road, yard and UTU-E members. Chapman thanked picnic committee chairperson **John Henry Hines**, as well as the sponsors, including Designated Legal Counsel **Francis P. Hajek**, **Larry Mann** and **Willard Moody**, for a day marked by great food and fellowship.

Local 1188, Oklahoma City, Okla.

A special reception attended by coworkers, friends and relatives was held late last month to honor **H.A. Buck**, a former local chairperson retiring after 44 years of service, said Local Chairperson (E) **Jeff J. Coykendall**. Working first with the Rock Island and then the Santa Fe, Brother Buck distinguished himself with a personnel record showing no injuries or discipline throughout his career, Coykendall said.

Local 1373, Philadelphia, Pa.

The Philadelphia/Wilmington Safety Committee again will sponsor the annual CSX Christmas Train, said Local President **Tony Mirarchi** and UTUIA Field Supervisor **Tom Anziano**. The first of two trains scheduled for Sunday, December 10, leaves Philadelphia's East Side Yard at 9 a.m., and the second pulls out of Wilsmere Yard at 1:30 p.m. All CSX and former Conrail employees and their families are invited. For information, contact Mirarchi at (215) 339-2723, or Safety Chairperson **Jimmy Martino** at (856) 848-0578.

Local 1375, Philadelphia, Pa.

The local's holiday celebration, to be sponsored by Designated Legal Counsel **Coffey & Kaye**, will be held Friday, December 8, at the Gladwyne VFW Post at River and Waverly Roads, said Local Chairperson **Eric Feld**, who can be reached for details at (610) 789-7050.

Local 1422, Los Angeles, Cal.

The U.S. Department of Defense has approved awarding the Cold War Recognition Certificate to all members of the armed forces and qualified government civilian personnel who served the U.S. honorably during the Cold War era, from September 2, 1945,

Member aids in special delivery

It's part of the job for bus operators on the Los Angeles County Metropolitan Transportation Authority (MTA) to help people get where they're going, but **Evelyn Davis** went the extra mile when she helped a newborn baby into the world via MTA's Line 20 at the corner of 7th and Hill Streets.



Evelyn Davis

Davis, an operator for 16 years and a member of Local 1607, Los Angeles, Cal., thought September 12, 2000, was just another ordinary morning, but by 7:30 a.m., her day had become quite extraordinary.

"One of the passengers alerted me that a lady in one of the first seats had gone into labor and needed an ambulance," Davis said. "She didn't even look pregnant. But once I determined she was in pain, I used my radio to contact the dispatcher."

Before Davis could even finish the report, the mom-to-be had removed her pants "because the water was breaking, and things were ready to happen," Davis said.

A mother herself, with two children, a stepdaughter and three granddaughters, Davis was no stranger to the events that began to unfold.

"I really thought the paramedics would be there in time, but the baby was in a hurry," Davis said.

Davis cleared the other passengers from the bus and turned back to the woman. "I didn't have time to think," Davis said. "Suddenly, the baby crowned, and as his head came through, I turned him and helped him out of the womb."

She wrapped the baby in the woman's pants and placed the healthy little boy on his mother's stomach. "He looked beautiful," Davis recalled. "His mom was fine and had a big smile on her face. I gave her a hug and told her I was the godmother!"

Paramedics arrived moments later, whisked mother and child to a local hospital, and then cleaned up the bus.

Davis drove back to the layover zone, washed up and regained her composure, and by 10:30 a.m. was back on her route.

Meanwhile, as word got out about her experience, Davis was besieged by television, radio and newspaper reporters.

"It was the most exciting thing that has ever happened to me," Davis remarked.

through December 26, 1991, said retired member **Barry J. Holliday**, legislative advocate for the California Paralyzed Veterans Association. Any official or military document (DD214) with the recipient's name, Social Security number and date of service is an acceptable document for proof of service. Veterans may submit documents to: Cold War Recognition Certificate Program, Suite 400, 4035 Ridge Top Rd., Fairfax, VA 22030.

Local 1491, Port Jervis, N.Y.

Members offer their best wishes to former Local Chairperson **Jack Edwards**, who recently retired after 37 years of service as a conductor on the Erie Lackawanna, Conrail, and finally Norfolk Southern. Brother Edwards, 61, had also served the local over the years as president, delegate and insurance representative, holding offices since 1982, according to Special Representative **Dave Murphy**.

Local 1594, Upper Darby, Pa.

Bus operator **Julius Major**, who works for the Southeastern Pennsylvania Transportation Authority (SEPTA), recently was granted a day off with pay and is set to receive a special award for the heroic actions he took one evening in late October, according to Local Chairperson **Ron Koran**. Brother Major witnessed two young men get into a bus ready for refueling and drive off. Major followed the stolen bus and radioed the control center to alert police. A lone police car set up a barrier, but the joyriders rammed the cruiser, lost control, and plowed into an air conditioner on the side of a house before coming to a halt. Police promptly arrested the pair.

Local 1697, Lubbock, Tex.

Members working as bus operators for Texas, New Mexico & Oklahoma Coaches offer their congratulations to Brother **John Smith**, who recently was elected vice chairperson, according to General Chairperson **Roy G. Arnold**.

Local 1823, St. Louis, Mo.

Alternate Delegate **Norbert Shacklette** noted that a recent monthly meeting was enlivened by a visit from State Legislative Director **W.L. Foster**, Field Supervisor **Sam Hale**, Illinois Central Assistant General Chairperson **Jim Herndon** (GO-436), retired Terminal Railroad General Chairperson **Jim Bolin** and a representative from the office of Designated Legal Counsel **Lance Callis**.

Local 1902, Thunder Bay, Ont.

Along with members of **Local 463**, also in Thunder Bay, the local recently honored **Albert J. Charlebois**, who marked his 100th birthday on September 29. A former yard foreman who retired at age 65 with 40 years of service, Charlebois' son is **Dan Charlebois**, a retired conductor from Local 463. Besides friends and family at the celebration, attendees included the mayor, representatives from the provincial and federal governments, as well as UTU Canadian Legislative Director **Tim Secord**, who presented Charlebois with a brass lantern on behalf of UTU International President **Charles L. Little**. Representing Local 1902 were Ontario Legislative Board Vice Chairperson **Ray Pakylak** and Local President **Steve Yawney**. Representing Local 463 was Local President **Bill Conway**.

Auxiliary of the UTU

Two new lodges have recently joined the organization, including **Lodge No. 803** in Jacksonville, Fla., with 20 charter members, and **Lodge No. 50** in Indianapolis, Ind., with 16 new members, according to UTU Auxiliary International President **Edythe M. Walter**. In addition, **Lodge No. 170** in Fort Worth, Tex., recently welcomed 11 new members, including three gentlemen.

The true meaning of unionism

As we enter the holiday season we should all pause and reflect, not only on the meaning of the season, but also on the meaning of unionism.

Both have a commonality. We cannot experience this time of year without having a deep compassion for the less fortunate. Each time we see a Salvation Army bell ringer, the thought of helping others comes immediately to mind. In fact, the true spirit of the season is giving of ourselves to let others know we care.



Paul C. Thompson

Unions were founded on these same principals, but instead of practicing them during a particular season, the intent was to do it on a daily basis.

When we look at our meager beginnings, compared with what we have today, we realize this was only accomplished through the great sacrifice of others before us. Inch by inch, through sweat and blood, gains were made, little by little.

Vacations, overtime provisions, retirement benefits, health and welfare and all other accomplishments did not come all at once.

Many times through the course of history we suffered setbacks, especially when the robber barons became overly greedy and the political climate was favorable to them.

With the help of government intervention, we suffered setbacks that took years and a favorable political climate for labor to overcome. Sometimes we never did regain some of our losses. Such was the situation in 1985.

In 1985 our union was faced with a serious dilemma. As a result of the anti-union attitude of the Reagan Administration, along with recommendations of a study commission that would have destroyed operating employees working agreements, a decision had to be made to try and save as much as possible.

Through successful negotiations, our union was able to limit the effects of the study commission recommendations on our membership, but only by sacrificing the working conditions of new employees who were hired subsequent to October 31, 1985.

Today, we are still faced with many of the study commission recommendations that have never been fully addressed and our post-1985 members continue to suffer by the loss of arbitraries and an hourly rate when deadheading.

The Switchman's Union of North America, which became part of the UTU, had a motto that said, "An injury to one is an injury to all." Our post-1985 members did receive an injury that effects us all.

Our national negotiating team did an excellent job correcting this injury to our post-1985 members and, at the same time, put in place conditions that will forever eliminate the unjust recommendations from the study commission. In addition, reasonable wage increases are provided in the tentative agreement without any work-rule changes. This is the most far-reaching agreement our union has ever negotiated.

I hear rumblings concerning this tentative agreement that deeply disturb me. Has unionism somewhere along the line made a wrong turn? What has happened to the compassion for one another upon which our unions were founded? Or "the injury to one is an injury to all?"

To our pre-1985 members that say this is a bad agreement because, "There is not enough in it for me" I say "Shame on you!" Since 1985 each of you have enjoyed certain benefits that would not have been available had the study commission recommendations been forced upon us. As stated earlier, this was only possible because of the sacrifice placed upon all new employees who were hired subsequent to October 31, 1985.

Correct this injustice

Now we have the only chance to ever correct this injustice without a sacrifice to anyone. Or would we rather roll the dice and provide the anti-union Republicans with the chance to finally force the remaining recommendations of the study commission on our membership?

That could include, among other things, going immediately to a 160-mile basic day, elimination of all arbitraries as well as the demarcation line between road and yard.

I still have faith in our membership that unionism has not taken a wrong turn. This tentative agreement provides for a realignment of our pay structure to raise the standards of post-1985 members as well as protect the conditions of pre-1985 members in the future, including eliminating any future argument by the carriers for a 160-mile basic day.

Once our members realize the value of this package, I hope they will do the right thing and show support for the tentative agreement. If I am wrong, our union and members face a rough road ahead.

I ask each of you during the holidays and months ahead to pause for a moment and think of the meaning of unionism. As we approach a new year, let us instill the traditional attitude of unions in each of us, joining together and working for the betterment of all.

Thinking only of ourselves will destroy the concept for which we stand. Like those before us, we owe it to future generations to continue the process called unionism in the manner and intent in which it was formed.

Merry Christmas, Happy New Year and may God bless you and your families in the year to come.

Bus Department

By Bernie McNelis

Education is key to success

The economy is doing great, so they tell us. Yet, when you travel anywhere in this country, you see the homeless and unemployed.

We constantly hear of the need for donations to help the poor in our communities. The agencies that feed the homeless say that more and more families with children are living on the streets.

Isn't education usually the reason we make it, or we don't?

Shouldn't we be building more schools, as most educators say? Shouldn't we stand up and fight for more schools?

Shouldn't we continue to educate our teachers?

Shouldn't we fight for higher pay to attract better teachers?

We hope that those in charge of leading our country, or our educational systems, make our schools the best that they can, and that our children get a good education.

We need to stress to them, however, that education is our top priority. We should write, call or visit our legislators and insist that they follow their pledges to improve our education system made during this latest political campaign.

Under President Little, the UTU's education and training programs show what accomplishments can be made if you make a commitment. If everyone would make that same commitment, we could eliminate the problem of homelessness and unemployment.

To all of our members and their families, I wish you the best holiday season ever.

Merry Christmas and Happy New Year.

In unity there is strength.



Yardmasters

By Don Carver

Looking back on a year of progress

Reflect on your thoughts and concerns of one year ago. Then, the focus was the possible calamity to be prompted by the arrival of year 2000.

Y2K is almost past and we did not suffer the greatly predicted ills that were to befall mankind.

Instead, it has been a year in which progress was made in compensation and benefits for many members of the yardmaster craft.

As the year draws to a close, yardmaster committees are in on-going negotiations with numerous carriers.

We are confident that additional compensation and benefit increases are in store for our members on those carriers.

We are looking forward to meeting the challenges of the new year with a renewed vigor to better represent and serve the membership.

The final touches, in the form of questions and answers, are being put on a new proposed national agreement.

Under the leadership of President Charles Little and Assistant President Byron Boyd as chief negotiator, a tentative agreement has been reached with most of the nation's Class I carriers on the most comprehensive, forward-thinking and beneficial agreement the UTU membership has had an opportunity to ratify.

Jerry, Cathy, Cara, Diana and I wish not only the yardmasters, but every UTU member and their family, a happy, peaceful and blessed holiday season.



An option and alternatives

At some point you will be deciding on whether or not to ratify a new national agreement, which represents change, and a change for the better, or we wouldn't bring it to you. People tend to resist change for a number of reasons: they are not comfortable with it; they like the current situation; they feel that it is not an improvement over the status quo; there is something better; it does or does not fit their political agenda, and on and on....



By
Byron A. Boyd, Jr.

The reality is that when we adopt a new agreement, we are choosing between what we have now and what we might have. We all tend to view the process of making such a choice prospectively. I was thinking it would be novel to reverse the process and look at this from a different perspective. Here is what the choice would be if we were to have the current proposal in place as our existing agreement, and we were voting to ratify a proposal that reflected what we actually have today.

We would be voting to eliminate a system that provides for:

Trip rates that provide for full parity between post- and pre-'85 employees. These trip rates would be comprised of mileage or time

components of a run, runarounds, conversion rules (local rate), meal-period payments, meal-period violation payments, step-up payment penalties, initial terminal delay, final terminal delay, full pay for deadheading (with no difference between pre- and post-'85 employees), and terminal switching, without having to qualify for any of the above pay components. Overtime would not be included in trip rates and would be paid over and above any trip rate. This system insures there could be no attacks on the basic-day structure.

The above system would be traded for a system that provides for two classes of employees. All employees hired before 1985 would receive full benefits, based on conditions in effect on or before November 1, 1985. Those hired after that date would be required to work for approximately 25% to 35% less than those hired before that date.

In addition, those employees who are considered pre-'85 employees would actually have to qualify for each pay component included in the trip rate. Also, some of the pay components

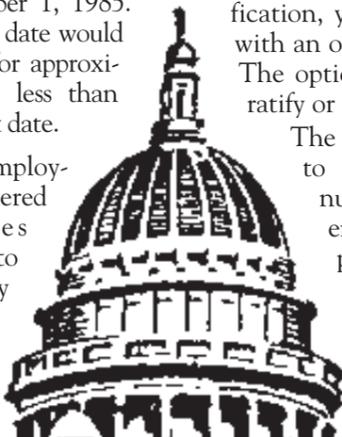
would be subject to offsets, such as initial, final, tow in, and others that would have to be worked off against overtime. This system leaves the basic day open to continued attacks.

Most importantly, we would be trading a system of equality for one of inequality. I believe the choice should be clear to all based on the equality issue alone. We must keep this union united, not divided.

At the present time, post-'85 members make up approximately 46% of our membership. At this time we have an opportunity to bring post-'85 members to full parity without any sacrifice by pre-'85 members. I firmly believe that the time has come to do exactly that. The time has come to unite our membership without regard to post- or pre-'85 seniority.

When the formal proposal is presented to the membership for ratification, you will be confronted with an option and alternatives. The option you will have is to ratify or not.

The consequences of failing to ratify are potentially numerous, but are not entirely known. Put simply, the consequences of ratification of the proposal are known, while the consequences of rejection are not.



WASHINGTON WATCH

By James Brunkenhoefer

See? Your one vote does make a difference

In the October *UTU News*, I wrote a column on the importance of voting. In that column, I gave some examples on how one vote does make a difference. Who knew how true that would turn out to be?

There are many unanswered questions about the 2000 elections. One thing is certain about this election: Every vote made a difference. Your vote didn't just count as a vote by itself. Your vote counted as a UTU member and a trade unionist. Your TPEL contributions also were crucial.



On November 7, 2000, more than 105 million Americans cast their votes. That is eight million more than voted in 1996. A total of 76% of registered voters went to the polls.

Out of that overall vote, 26% were from union households. That percentage was even higher in key battleground states.

For example, in Michigan, 43% of all voters were members of union households. That is truly amazing considering that union households only make up 13% of the overall population in the United States.

We also contributed to what is, as of now, the narrow Gore/Lieberman win of the popular vote. Union members supported the Gore/Lieberman ticket by a margin of 63% to 32%, according to an election night exit poll.

It wasn't just the fact that you voted, but for whom you voted. Of course, we didn't tell you how to vote. We did recommend the men and women who were the best qualified and the most sympathetic to the needs of working men and women.

Thanks to you, almost 80% of the UTU-endorsed candidates won election. Of course, it wasn't just the fact that pro-labor candidates won; in many cases anti-labor candidates were defeated.

Your vote is not the only place where you made a difference. Your TPEL contributions also made an important impact. Your contributions helped to ensure that candidates who support the rights of working men and women were elected.

In more than 80% of races where we made a contribution, the candidate we supported won election. You may think that your small contribution did not make a difference, but in these days of increasingly expensive elections, every bit helps.

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Addressing concerns

A number of concerns over the intent and purpose of the proposal have been raised.

Concerns have been raised over the \$1,200 Longevity Bonus, the Optional Alternative Compensation Program, the Overtime Issue, and the issue of Access to Medical Information that is being referred to the National Wage and Rule Panel.

With regard to those issues: the Longevity Bonus was intended to benefit those members who would or could retire under the still-pending 60/30 retirement legislation.

The Optional Alternative Compensation Program is exactly what it says. Both the carrier and the UTU committee having jurisdiction may elect to participate in a program that offers our members the option of participating on a strictly voluntary basis.

Overtime is not a pay component to be included in determining trip rates and will be paid in addition to a trip rate.

With regard to Access of Medical Information: today the carriers have almost total access to medical information of our members. We are attempting to limit that access.

UTU News

Charles L. Little, International President

Byron A. Boyd, Jr., Assistant President

Paul C. Thompson, General Sec./Treas.

James Brunkenhoefer, Nat. Legislative Dir.

State Watch

News from UTU State Legislative Boards

Maryland

Shannon D. Phillips, daughter of CSX Conductor **Richard N. Phillips** of Local 610, is this year's recipient of the Maryland State Legislative Board's James E. Major, Jr., Memorial Scholarship.

Ms. Phillips is enrolled in the graduate program at the University of Maryland/Baltimore County's Education Department, where she is studying urban teacher education.

A 1994 graduate of Catonsville High School, Ms. Phillips recently earned her bachelor's degree at Villa Julie College in Stevenson, Md.

For the past two years, the legislative board has awarded a \$2,000 scholarship, payable in \$500 increments over four years, to the child or grandchild of a UTU member.

The scholarship was established in honor of **James E. Major, Jr.**, a passenger conductor for CSX who was killed in a head-on collision between a MARC train and Amtrak's *Capitol Limited* on February 16, 1996.

"Jimmy established many relationships and touched many lives through his job and his position as a labor representative. His hard work and dedication to his jobs and family earned him great respect from the people who knew him personally. Jimmy was a dedicated railroader who loved life," said Legislative Director **Larry Kasecamp**.

Any UTU member interested in further information about the scholarship, or in applying for future scholarship awards, should contact his or her local legislative representative.



Maryland Legislative Director Larry Kasecamp presents the first of four \$500 scholarship checks to Shannon D. Phillips, the second college student awarded the James E. Major, Jr., Memorial Scholarship by the UTU's Maryland Legislative Board.

Arkansas



Former Arkansas Legislative Director **Don Beavers**, joined by his wife Mary Francis, thanks the more than 250 friends and colleagues who honored him at a retirement reception to celebrate his 21 years of service to the UTU as director of the state's legislative board. UTU Vice President **Mike Futhy** presented Beavers with an inscribed brass lantern and letter from International President Charles L. Little, acknowledging his outstanding service to the organization, and **Fred Garcia**, chairperson of Local 507, presented Beavers with an engraved plaque for his work on behalf of the Arkansas membership. President Bill Clinton also forwarded a letter extending his personal gratitude to Beavers and the UTU for their assistance over the years. The North Little Rock celebration was hosted by designated legal counsel **Jay Youngdahl** and the Arkansas Legislative Board.

Idaho

Legislative Director **Gregory N. Farris** reported that the Democratic Party fund-raising picnic held earlier this year at the Correll-Whitworth Ranch in Inkom, Idaho, which was organized by Assistant Legislative Director **Shane Yarger** (265), was a resounding success.

More than 300 people attended the event, including candidates for political office, UTU members and retirees, their families and friends.

Participants enjoyed great food, a horseshoe tournament, an auction and stage coach rides provided by Rod Price, grandson of retired UTU General Chairperson **Harry Price** (78).

All of the proceeds from the affair were donated to local Democratic Party candidates.

"Shane did an absolutely great job. Thank you, Shane," said Farris, who also acknowledged the contributions of the designated legal counsel firms of Bricker, Zakovics, Querin, Thompson & Ritchey; The Crow Law

Firm; Yaeger, Jungbauer, Barczak & Roe; and Rossi, Cox, Kiker & Inderwish.

Colorado

On election day last month, the Democratic Party regained the majority of seats in the Colorado state senate for the first time in 40 years, reported UTU Legislative Director **Rick Johnson**.

"What makes this newsworthy," Johnson said, "is that it gives the Democrats equal footing in the re-districting process next year. As a result, this process will be a balanced compromise between the two parties, rather than being totally dictated by the Republican Party."

Johnson said that organized labor played a major role in this victory with a "Labor 2000" campaign to spearhead voter registration and recruit campaign volunteers.

"Of course, TPEL contributions made the difference for many candidates, especially the state senate seats," Johnson added.

Oregon

Governor John Kitzhaber met with members of the Oregon Legislative Board last month to personally thank them for their support of the state's 21st Century Fund, reported Legislative Director **Delmer Hanson**.

The fund was established by Kitzhaber earlier this year to raise money for Democratic Party candidates seeking office in the state legislature.

Hanson said that funds from the UTU's Transportation Political Education League intended for use in the state of Oregon were directed to the 21st Century Fund at the discretion of the board.



Oregon Governor John Kitzhaber, second from left, meets with Legislative Director Delmer Hanson, Secretary Marvin Williams, and Assistant Director Greg Boam, to personally thank them for the Oregon Legislative Board's support of the governor's 21st Century Fund.

UTU, others urge veto of repeal of diesel-fuel taxes

CLEVELAND – The UTU has joined with the leaders of 16 other labor organizations to urge President Clinton to repeal a bill which provides tax relief to railroads and barge companies.

H.R. 2614, which passed the House of Representatives in late October, contains provisions which repeal a 4.3-cent-per-gallon tax on diesel fuel used in the railroad and barge industries.

The repeal was added by the Republican leaders of the House Ways and Means Committee.

"For the record, we are totally opposed to this repeal," the leaders, including UTU International President Charles L. Little, wrote to Clinton.

"What a contrast in beliefs: providing a windfall tax repeal to the railroad industry while at the same time denying to hundreds of thousands of Americans in the Railroad Retirement System the passage of H. R. 4844, The Railroad Retirement and Survivors' Improvement Act of 2000, the first retirement improvements for rail workers in over two decades.

"Some 50,000 surviving spouses would have received an average \$300 monthly increase in their pensions. Every railroad family would no longer

have to face economic devastation upon the death of the worker.

"Those of us still on the job would have been able to retire with full pension and health and welfare benefits at age 60 with 30 years of service. And just as important as these benefit improvements is the fact that the system itself, for the first time, would have been protected by the carriers' guarantee to absorb any shortfalls," the leaders stressed.

"We are aware that there are items in H.R. 2614 acceptable to the White House and labor as well. The purpose of this letter is not to take exception to H.R. 2614 in its entirety, but to take exception to the repeal of the fuel tax.

"Accordingly, we urge you to do everything in your power to stop this repeal of tax on diesel fuel for the railroad industry," the letter read.

Also signing the letter were representatives from the Amalgamated Transit Union, Transportation Communications International Union, Seafarers International Union, Brotherhood of Railroad Signalmen, Hotel Employees and Restaurant Employees International Union, Service Employees International Union, International Association of Machinists, and Brotherhood of Locomotive Engineers.

Federal court ruling voids Article 78 of UTU Constitution

Re: *Eugene Ruocchio, et al. v. United Transportation Union Local 60, et al.*
Civil Action No. 97-5732 (NHP)

Dear Counsel:

This matter comes before the Court on cross-motions for summary judgment upon remand from the Court of Appeals for the Third Circuit. The Court heard oral argument on June 12, 2000, and the parties subsequently submitted supplemental briefs. For the following reasons, the motion of plaintiffs Eugene Ruocchio and Robert A. D'Angiolillo for summary judgment is hereby **GRANTED IN PART** and **DENIED IN PART**, and the motion of defendant United Transportation Union for summary judgment is hereby **DENIED**.

BACKGROUND

The facts of this case are extensively set forth in the Third Circuit Court of Appeals' opinion dated June 23, 1999. In a previous Order dated July 8, 1998, this Court dismissed as moot the Complaint of plaintiffs Eugene Ruocchio ("Ruocchio") and Robert A. D'Angiolillo ("D'Angiolillo") after defendant United Transportation Union, Local 60 ("UTU") reinstated Ruocchio to his previous position. In its June 23, 1999, Opinion, the Third Circuit reversed and vacated this Court's dismissal of plaintiffs' Complaint. The Third Circuit specifically held that Ruocchio's claims for monetary damages, injunctive relief, and legal fees were not mooted by his reinstatement. Thus, the matter was remanded for this Court to determine these issues.

DISCUSSION

In sum, Ruocchio' seeks the following: (1) a declaratory judgment that Article 78 of the UTU constitution is unlawful; (2) an injunction enjoining UTU from enforcing Article 78 and prosecuting members based on violations of Article 78; (3) injunctive relief compelling UTU to provide a notice to rank and file members that Article 78 is void; (4) injunctive relief compelling UTU to issue a statement that Ruocchio's removal was unlawful; (5) money damages of \$8,912.71; and (6) attorney's fees.

I. Summary Judgment Standard

Under Rule 56 of the Federal Rules of Civil Procedure, summary judgment is appropriate only if the "pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c). Summary judgment may be granted against a party who fails to adduce facts sufficient to establish the existence of any element essential to that party's case, for which that party will bear the ultimate burden of proof at trial. See *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986).

The moving party bears the initial burden of identifying evidence that demonstrates the absence of a genuine issue of material fact. See *id.* at 323. Whether a fact is material is determined by the applicable substantive law. See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). An issue involving a material fact is genuine "if the evidence is such that a reasonable jury could return a verdict for the non-moving party." *Healy v. New York Life Ins. Co.*, 860 F.2d 1209, 1219 n.3 (3d Cir. 1988), *cert. denied*, 490 U.S. 1098 (1989). Once that burden has been met, the nonmoving party must set forth "specific facts showing that there is a genuine issue for trial," or the factual record will be taken as presented by the moving party and

judgment will be entered as a matter of law. See *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). In determining whether any genuine issues of material fact exist, the Court must resolve "all inferences, doubts, and issues of credibility...against the moving party." *Meyer v. Riegel Prods. Corp.*, 720 F.2d 303, 307 n.2 (3d Cir. 1983) (citing *Smith v. Pittsburgh Gage & Supply Co.*, 464 F.2d 870, 874 (3d Cir. 1972)).

Further, the nonmovant must "do more than simply show that there is some metaphysical doubt as to the material facts." *Matsushita*, 475 U.S. at 586. An issue is "material" only if the dispute "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). To defeat "a properly supported summary judgment motion, the party opposing it must present sufficient evidence for a reasonable jury to find in its favor." *Groman v. Tp. of Manalapan*, 47 F.3d 628, 633 (3d Cir. 1995). Accordingly, the party opposing summary judgment may not merely restate the allegations of its pleadings. See *Farmer v. Carlson*, 685 F.Supp. 1335, 1339 (M.D.Pa. 1988). Moreover, a party cannot rely upon self-serving conclusions, unsupported by specific facts in the record. See *Celotex*, 477 U.S. at 322-23. If the record, as a whole, cannot "lead a rational trier of fact to find for the nonmoving party, there is no 'genuine issue for trial.'" *Matsushita*, 475 U.S. at 587.

II. Article 78 of the UTU Constitution

The Third Circuit held that Ruocchio's claims for injunctive relief remained alive. See *Ruocchio*, 181 F.3d at 383. In so holding, the court viewed Ruocchio's complaint as based on retaliation for speech protected by the Labor-Management Reporting and Disclosure Act of 1959 ("LMRDA"), 29 U.S.C. §401 et seq. Although the Third Circuit acknowledged that Title I protects members rather than officers such as Ruocchio, the court nevertheless held that the importance of free speech rights required a determination of whether Article 78 violates Title I §101(a)(2), of the LMRDA, 29 U.S.C. §411(a)(2):

Title I of the LMRDA, §101(a)(2), provides protection for free speech in the union setting and is commonly referred to as the "Bill of Rights" of the LMRDA. See *Ruocchio*, 181 F.3d at 384. Section 101(a)(2) of the LMRDA specifically provides, in pertinent part:

Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: Provided, That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

Any constitutional provision or bylaw which is inconsistent with the provisions of §101 "shall be of no force or effect." 29 U.S.C. §411(b). The statute provides two exceptions to free speech. The first pertains to a member's "responsibility" toward the union as an "institution." The second involves conduct that would interfere with the union's performance of its legal or contractual obligations.

The Third Circuit has had occasion to express its view that the LMRDA provides broad protection to the speech rights of mem-

bers in the union context. See *Mallick v. Int'l Bld. of Elec. Workers*, 644 F.2d 228 (3d Cir. 1981) ("[M]embers' right of free speech is given an expansive protection."); *Semancik v. United Mine Workers of America District #5*, 466 F.2d 144 (3d Cir. 1972) ("The purpose of construing union power narrowly and the members' freedom of speech broadly is to foster truly democratic governance in labor unions.") In this case, the provision of Article 78 in dispute provides the following:

A member who willfully circularizes untrue statements shall be expelled from membership in the United Transportation Union if, after being charged and tried under the trial provisions of this Constitution, his/her guilt has been established.

Several courts have concluded that free speech protection is so broad under the LMRDA that even libelous statements are protected. In *Salzhandler v. Caputo*, 316 F.2d 445, 446 (2d Cir. 1963), *cert. denied*, 375 U.S. 946, 84 S.Ct. 344, 11 L.Ed.2d 275 (1963), the Second Circuit considered whether a union member's allegedly libelous statements regarding the handling of union funds by union officers justified disciplinary action against the member. The court concluded that a union constitutional provision which disciplined even the libelous criticism of union officers was unenforceable under the LMRDA. See *Salzhandler*, 316 F.2d at 451. The court also found that libelous comments were not encompassed by the two exceptions to free speech provided in §101(a)(2). See *id.* at 450. In so holding, the court reasoned that "[f]reedom of expression would be stifled if those in power could claim that any charges against them were libelous and then proceed to discipline those responsible on a finding that the charges were false." *Id.* at 451.

Several courts have agreed with the holding in *Salzhandler*. See *Keeffe Brothers v. Teamsters Local Union No. 592*, 562 F.2d 298, 304 (4th Cir. 1977); *Giordani v. Upholsterers Int'l Union of North America*, 403 F.2d 85 (2d Cir. 1968); *Int'l Bld. of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers v. Rafferty*, 348 F.2d 307, 312 (9th Cir. 1965); *Cole v. Hall*, 339 F.2d 881, 882 (2d Cir. 1965); *Marshall v. Local Union No. 815, United Textile Workers*, 479 F.Supp. 613, 615 (E.D.Tenn. 1979); *Gleason v. Chain Serv. Restaurant*, 300 F.Supp. 1241, 1260 (S.D.N.Y. 1969), *aff'd*, 422 F.2d 342 (2d Cir. 1970); *Leonard v. M.I.T. Employees' Union*, 225 F.Supp. 937, 939-40 (D.Mass. 1964).

The Third Circuit has addressed the matter as well. In *Semancik*, the court considered whether a district court may permanently enjoin a union from prosecuting members under a section of its constitution because of its infringement upon the right of free speech. The court deemed the union's constitutional provision prohibiting "dishonest or questionable practices" to be impermissibly overbroad and vague, and held that it was appropriate for the district court to permanently enjoin prosecutions under that provision. See *Semancik*, 466 F.2d at 152. Citing the Second Circuit's decision in *Salzhandler*, the court declared that even libelous statements are protected from union action. See *id.* at 153.

Not long after *Semancik*, the Third Circuit in *Harrison v. Local 54*, 518 F.2d 1276, 1281 (3d Cir. 1975), *cert. denied*, 423 U.S. 1042 (1976), opined that a "union member is free to express views, arguments or opinions on matters of union business even if the expressions be libelous or malicious without fear of discipline." The court voiced a similar impression in *Mallick v. Int'l Bld. of Elec. Workers*, 644 F.2d 228 (3d Cir. 1981). The two plaintiffs in *Mallick* engaged in several dissident activities against union leadership, which included publishing articles in a newsletter which were crit-

ical of the union and writing to the Department of Labor and to a Congressman alleging improprieties in the handling of the union pension fund. The union allegedly retaliated against the plaintiffs by assigning them less desirable job placements. In addition, disciplinary charges were brought against the plaintiffs for violating several provisions of the union constitution. The provisions of the constitution which plaintiffs allegedly violated had prohibited the circulating of false reports, misrepresentations or untruths, and the slandering of members.

In reversing the district court, the Third Circuit followed *Semancik* and *Salzhandler*, quoting that statements "are protected from union action even if libelous...or malicious." *Mallick*, 644 F.2d at 235 (quoting *Semancik*, 466 F.2d at 153). The court expressed its concern with union officials punishing vocal and dissident members under the guise of eliminating slander and libel, commenting that:

The goal of union democracy, achieved through the expression of opposing viewpoints, would be difficult to realize if members felt deterred from expressing their opinions by the prospect of disciplinary proceedings. Here, [plaintiffs] actually had to undergo the disciplinary process, and regardless of the eventual outcome on appeal, the message was clear to them that they were being subject to disapproving scrutiny because of their opposition to the leadership.

Mallick, 644 F.2d at 236. Indeed, the Second Circuit in *Salzhandler* aired similar trepidations. See 316 F.2d at 449-50. Further, the Third Circuit has determined that even a loosely worded threat to a fellow union member may not at times be sufficient to justify punishment. See *Kelsey v. Philadelphia Local No. 8, IATSE*, 419 F.2d 491 (3d Cir. 1969), *cert. denied*, 397 U.S. 1064, 90 S.Ct. 1501, 25 L.Ed.2d 685 (1970).

In this case, while Article 78 may not be ambiguous, it is nonetheless clear that *Salzhandler* and its progeny render Article 78 unenforceable as violative of the LMRDA's free speech guarantee. Article 78 prohibits the circulating of "untrue statements." In *Mallick*, the Third Circuit expressed strong reservations as to the lawfulness of a similar constitutional provision.¹ See 644 F.2d at 236 ("For example, the charges that [plaintiffs] made false or slanderous statements to the press do not appear to be consistent with the scope of protection accorded to dissidents.") Likewise, the constitutional provision which was struck down in *Salzhandler* prohibited "libeling, slandering...fellow members (or) officers of local unions." In *Giordani v. Upholsterers Int'l Union of North America*, 403 F.2d 85 (2d Cir. 1968), the Second Circuit held that a union member's expulsion was wrongful where he allegedly violated a constitutional provision stating that members "shall not make or spread, directly or indirectly, incorrect, false, malicious, or slanderous statements, reports and accusations concerning the International Union or members or officers" of the union. *Giordani*, 403 F.2d at 87 n.3.

Because libel and slander are protected speech in the union context, it follows that the making of "untrue statements" is entitled to the same protection.⁴

Accordingly, it is the opinion of this Court that Article 78 is unlawful on its face under § 101(a)(2) of the LMRDA.⁵

Ruocchio requests equitable and injunctive relief as a result of the unlawfulness of Article 78. Specifically, Ruocchio asks for an injunction enjoining UTU from enforcing Article 78 and prosecuting members under Article 78. Ruocchio also seeks an injunction compelling UTU to provide a notice to rank and file members that Article 78 is void and that his removal was unlawful.

A district court possesses wide discretion in fashioning relief under the LMRDA. See *Ruocchio*, 181 F.3d at 387; *Semancik*, 466 F.2d at 156. The *Semancik* court held that a district court may declare void a union provision which has the effect of stifling free speech, and may also permanently enjoin the union from prosecuting members under such a constitutional provision. See *Semancik*, 466 F.2d at 156. Further, courts have ordered unions to publish a court's opinion in the union's monthly magazine. See *Collison v. Int'l Chem. Workers Union, Local 217*, 34 F.3d 233, 240 (4th Cir. 1994); *Pawlak v. Greenawalt*, 477 F.Supp. 149, 150-51 (M.D.Pa. 1979) (requiring the Teamsters to publish in their monthly magazine the court order invalidating union constitutional provision because of the chilling effect of the provision), *aff'd*, 628 F.2d 826 (3d Cir. 1980); *Nelson v. Int'l Ass'n of Bridge, Structural, and Ornamental Iron Workers*, 680 F.Supp. 16 (D.D.C.1988) (order requiring union to publish notice of court's decision striking constitutional provision in monthly newsletter included in BNA publication but not in West publication).

Because of the strong emphasis placed on free speech rights under the LMRDA, and because Article 78 may work to "chill" the rights of union members, the Court will hereby declare Article 78 void, issue a permanent injunction enjoining defendant from enforcing Article 78, prosecuting members under Article 78, or otherwise retaliating against union members in violation of Title I of the LMRDA. The Court also orders UTU to provide notice to the union members that Article 78 is unenforceable by publishing this Court's decision for review by the union members.⁶

III. Money Damages

Ruocchio seeks money damages in the amount of \$8,912.71 for the lost monthly stipend he would have received as treasurer, two days of lost work, and expenses. The Third Circuit found that Ruocchio had no cognizable claim under §101(a)(5) based on his removal from office. See *Ruocchio*, 181 F.3d at 381 n.5.

It is well recognized that what the LMRDA protects is the union-member relationship and not the union-officer or union-employee relationship, and, accordingly, that officers of a union are not afforded a remedy under §101(a)(5) of the LMRDA by reason of their removal from office. See, e.g., *Finnegan v. Leu*, 456 U.S. 431, 102 S.Ct. 1867, 72 L.Ed.2d 239 (1982); *Ruocchio*, 181 F.3d at 381 n.5; *Franza v. Int'l Bld. of Teamsters Local 67L*, 869 F.2d 41, 47 (2d Cir. 1989); *Martire v. Laborer's Local 1058*, 410 F.2d 32 (3d Cir. 1969); *Sheridan v. United Bld. of Carpenters*, 306 F.2d 152 (3 Cir. 1962); *Air Line Stewards and Stewardesses Ass'n Local 550 etc. v. Transport Workers Union of America*, 334 F.2d 805 (7th Cir.), *cert. denied*, 379 U.S. 972, 85 S.Ct. 648, 13 L.Ed.2d 563 (1965). In addition, the LMRDA does not provide for loss of income resulting from removal from office. See *Harrison*, 518 F.2d at 1281.

Here, Ruocchio was removed from his position as treasurer. He seeks reimbursement for the stipend lost as a result of his removal from office. His membership rights, however, were not affected in any adverse manner.⁷ Therefore, notwithstanding the fact that Ruocchio's lawsuit brought about the nullification of Article 78, he cannot recover the monetary damages sought. Accordingly, Ruocchio's motion will be denied as to damages.

V. Attorney's Fees

Plaintiffs who successfully litigate under the LMRDA are entitled to attorney's fees under the common benefit doctrine. See *Pawlak v. Greenawalt*, 713 F.2d 972, 975 (3d Cir. 1983).

The doctrine applies when the plaintiff's successful litigation provides a "substantial benefit" to the members of the union. See *id.* By paying the attorney's fees out of the union's treasury, the cost of the litigation is shifted to the class benefited by it. See *id.*

Based on *Pawlak*, Ruocchio is entitled to attorney's fees. He has prevailed in that his request for injunctive relief has been granted. Moreover, because Article 78 is voided as a result of his lawsuit, his action has provided a substantial common benefit to all union members. Most certainly the result of his lawsuit has "dispelled the 'chill' cast upon the rights of all Union members and contributed to the preservation of union democracy." *Pawlak v. Greenawalt*, 713 F.2d 972, 980 (3d Cir. 1983). Accordingly, the Court finds that Ruocchio is entitled to reasonable attorney's fees. Ruocchio's counsel shall file with the Court a specific fee request and an affidavit along with the appropriate papers which support the award of such a fee.

CONCLUSION

For the foregoing reasons, the motion of plaintiffs Eugene Ruocchio and Robert A. D'Angiolillo for summary judgment is hereby **GRANTED IN PART** and **DENIED IN PART**, and the motion of defendant United Transportation Union for summary judgment is hereby **DENIED**. Specifically, plaintiffs' motion for injunctive relief is **GRANTED**, and the Court declares Article 78 void and enjoins defendant from enforcing Article 78, prosecuting members under Article 78, or otherwise retaliating against union members in violation of Title I of the LMRDA. The Court also orders defendant to provide notice to the union members that Article 78 is unenforceable by publishing this Court's decision for review by the union members. Plaintiffs' request for attorney's fees is **GRANTED**. All other relief is **DENIED**.

An appropriate Order for Permanent Injunction accompanies this Letter Opinion.

Signed,
Nicholas H. Politan
U.S. District Judge

¹D'Angiolillo alleged that Ruocchio's removal from office deprived him of his right to participate in the governance of the local union through a duly elected representative and spokesperson in violation of 29 U.S.C. §411(a)(1). As the Third Circuit presumed that the relief Ruocchio seeks would also satisfy D'Angiolillo's claims, the Court will address only those claims raised by Ruocchio. See *Ruocchio v. United Transportation Union Local 60*, 181 F.3d 376, 381 n.6 (3d Cir. 1999).

²The Third Circuit specifically concluded that Ruocchio did not have a cognizable claim under §101(a)(5) based on his removal from office. See *Ruocchio*, 181 F.3d at 381 n.5.

³The union constitutional provisions in *Mallick* prohibited the circulating of "false reports" or "misrepresentations," the making of statements which contain "untruths," and the "slandering" of members. See 644 F.2d at 231 n.1.11

⁴Defendant argues that *Mallick*, *Semancik*, and *Salzhandler* are distinguishable because, unlike the plaintiffs in those cases, Ruocchio was not a member of any active dissident group or a persistent or vocal critic. Defendant's argument, however, misses the point. Whether Ruocchio was a dogged and active political foe or merely an innocuous bystander is of no moment. The principle issue this Court is charged with deciding, as directed by the Third Circuit, is whether Article 78 on its face violates Title I, §101(a)(2) of the LMRDA.

⁵Because Ruocchio has failed to demonstrate that the individual defendant, Donald Bogen, violated the LMRDA, Ruocchio's motion as to defendant Bogen is denied.

⁶Because the Third Circuit concluded that Ruocchio had no claim under §101(a)(5) based on his removal, Ruocchio is not entitled to injunctive relief compelling UTU to publish a notice that his removal was wrongful. See *Ruocchio*, 181 F.3d at 381 n.5.

⁷Ruocchio admitted in his deposition that his membership rights were not impacted. See *Ruocchio Deposition* at 60.

Pact with CN

Continued from page 1

whole system. Basically, it meant a loss of pay for most members, but in return, we got lifetime protection, with automatic certification for most employees hired prior to 1980," Thompson explained.

The proposed pact corrects many problems of previous agreements, Thompson said.

"We eliminated pre- and post-'85 differences, and we also eliminated the pre- and post-'85 discrepancies in pay for deadheading," Thompson explained. "We also dealt with the problem of guaranteed extra boards, and if this pact is ratified, we will have a weekly guarantee. We also have a short-term disability and life insurance policy that will cover employees for on- and off-duty injuries which pays 60% of weekly earnings to a maximum of \$546 a week, up to 104 weeks. The policy also includes a \$40,000 death benefit and a \$42,000 accidental death benefit."

Thompson also said the tentative pact provides for participation in a quality-of-life labor/management committee to discuss such things as availability, rest days, assigned days off on the extra board and other issues.

"I think it is a real good agreement," Thompson said. "It eliminates entry rates immediately. Anyone with a seniority date when the agreement goes into effect receives 100%. Anybody hired after the implementation date will hire in at 90% until they make the grade of conductor, which takes from four months to a year. If the member is there a year, he or she is automatically upgraded to the 100% pay level."

"I think this is the best and final offer that will come from the carrier," Thompson said. "It is in the best interest of members that it should be ratified."

Because of the delay in negotiations, if the proposed pact is ratified, it will be up for renegotiation in December 2001. "We can serve Section 6 notices in November 2001," Thompson noted.

Contract

Continued from page 1

their answers during the week of November 20.

"We will review the carriers' answers, and hope to come to an agreement with them shortly thereafter," said UTU National Negotiating Team Chairperson Assistant President Byron A. Boyd, Jr. "If not, we will work to ensure the spirit and intent of the negotiations are maintained.

"Until we have reached an agreement on the questions and answers, a definite schedule for voting cannot be determined. We will keep you advised," Boyd said.

"The proposed national agreement is now being widely circulated. Given this widespread circulation, we have received reports of many concerns about the agreement, most of which are based on false rumors or lack of understanding," International President Charles Little said. "I should also point out that many of those rumors are being initiated by those who are not UTU members, and would like nothing better than to see this proposal fail for the betterment of their own organizational or personal political agenda."

Rumors that the UTU has "sold" arbitrations and penalty payments for a "flat" rate of pay are "dead wrong," Little said.

Members are encouraged to check the UTU's website at <<http://www.utu.org>> for developments as they occur.

Member killed

Continued from page 1

shock and we're in shock," Sara Weixelman, sister of the late railroad conductor, told reporters.

Hurtz had been employed with BNSF about five years, Weixelman said. He and wife, Linda, had been married about 10 years and had no children.

Three other crew members were hurt in the Oct. 31 accident when one BNSF train rear-ended another that had stopped on the tracks about 10 miles west of Flagstaff.

One engineer was hospitalized in critical condition. The two other crewmen were treated at a hospital and released.

The parked train was carrying a small amount of hazardous materials but authorities said there wasn't a spill. The 15 families that had been evacuated were allowed to return the next day.

Interstate 40, the main east-west route through northern Arizona, was closed briefly.

The wreck's front train, carrying hazardous materials, was headed from Alliance, Texas, to Los Angeles. The trailing train was headed from Chicago to Richmond, Calif.

Hurtz family members expected the worst when they were told only one crew member was missing and Mark was unaccounted for after the accident.

The National Transportation Safety Board (NTSB) was called to investigate the crash. Findings generally are released from six to nine months after an event is investigated, but NTSB spokeswoman Lauren Peduzzi said it could be a year before NTSB releases its final report. "We do a very extensive, a very thorough, investigation," she said.

Members of the UTU's Transportation Safe-

ty Team (TST) also were dispatched to the accident site the following day.

According to reports, NTSB investigators have recovered the event recorders from the two freight trains.

The devices, which are similar to the "black box" recorders on airplanes, could tell investigators what the trains were doing before and during the accident. The recorders had severe heat damage from the fire, Peduzzi said.

BNSF spokeswoman Lena Kent said the surviving crew members had been tested for drugs, a standard procedure following accidents. She said the results would not be released unless they played a role in the conclusions reached by the NTSB.

The TST was organized, as part of UTU's pro-active agenda, for the purpose of participating in accident investigations conducted by the NTSB with the goal of contributing to the fact-finding phase of the field investigations, President Charles L. Little said. "The TST is not a replacement for the grievance procedures or protective roles of the general chairperson and local chairperson. The function of the local officers, representing employees covered under the Railway Labor Act, is separate and is not impacted by the TST program."

The TST has played and will play a vital role in the fact-finding phase of rail accident investigations where that accident meets TST criteria, according to TST Chairperson David Hakey.

The members of the TST, already proficient in train and switching operations, have received advanced training on accident investigations from the NTSB, Hakey said. The training has focused on operating practices, human performance factors, human survival factors and crash worthiness of locomotives and passenger equipment.

"Our goal is the advancement of transportation safety for all transportation workers and the general public," Little said.

Retirement

Continued from page 1

take this time to contact those members," Brunkenhoefer said. "Please go and visit their offices in their districts. We need to let them know this issue is not going away.

"If we are not successful in accomplishing our goal during a 'lame duck' session, we will be back during the next session of Congress, which will begin January 3, 2001.

"All elected members of Congress have stated that they want to act in a bi-partisan manner. This is a wonderful opportunity for them to exercise those promises."

Brunkenhoefer noted that Cong. Nick Smith (R-Mich.) has introduced H.R. 5387, which he calls "The Railroad Retirement Improvement Act."

"This is a horrible bill. It destroys Railroad Retirement as we know it," he said. "Although we are not ignoring this legislation, the bill has no other Congressional support and the committee that it has been referred to will not hold any further hearings this year.

"Congressman Smith is known for these last-minute, meaningless, futile attempts. It is very possible that Congressman Smith hopes to accomplish his real goal of defeating H.R. 4844.

"He spoke against H.R. 4844 and subsequently voted against it on the floor of the U.S. House of Representatives.

"It may be his strategy to get our supporters 'off message' and attempt to divide our efforts. Please do not hand Congressman Smith his

victory by fighting a dead bill and not passing H.R. 4844.

"Any negative response will only encourage Smith. We need to strengthen our resolve to stay 'on message' and support the bi-partisan principles contained in H.R. 4844," Brunkenhoefer said.

"If Congressman Smith continues his efforts in the next session of Congress, we will deal with him at the appropriate time and in the appropriate manner.

"It is important to remember, we have not changed our goal of sending the message to Congress that the provisions of the Railroad Retirement and Survivors' Improvement Act are critical to our widows, our retirees and our active railroad employees and we will continue our efforts until it becomes law.

"As always, keep your calls friendly, up-beat and professional. The elections are over. Calls, letters and any other form of communication that are angry or overwrought with frustration will be counterproductive to our efforts," Brunkenhoefer said.

Monthly winner

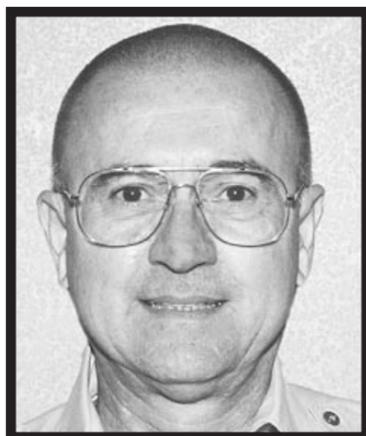
This month's lucky winner of his choice of any item of apparel bearing the UTU logo is **Ernest S. Gross** of Local 1172, Mullens, W. Va., which represents workers on Norfolk Southern. These items are awarded every month by random drawing as a show of appreciation to the many members who have been supportive of the UTU throughout the years.

Voices: Do you discuss union matters with your family?



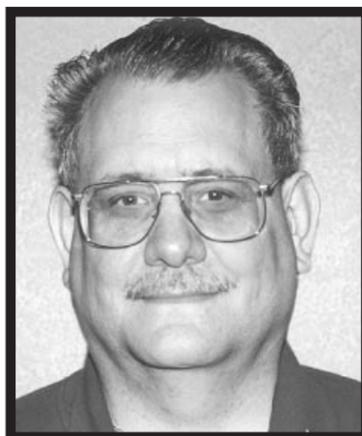
Patrick Murray
L-196, Beardstown, Ill.

"I work for BNSF as a conductor on a road switcher, and I've got almost 32 years in. I'm secretary and treasurer for my local. I've been a union officer for about 25 years. We have three children who are grown and out of the house, so there's just my wife at home now, and I don't discuss things involving the job with her. She has her job and I have mine. In fact, I don't recall even mentioning to her about the pending national contract. About the most my wife knows about the railroad is where the yard office is. I talk about union matters with the guys on the job."



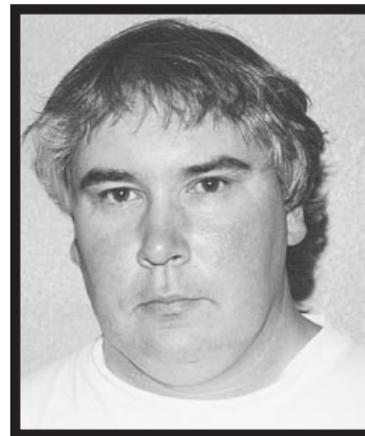
Fred Rayman
L-1042, Oklahoma City, Okla.

"I've been a bus operator for 32 years, working charter and line service for Jefferson Bus Lines, and I serve as general chairperson. I'm a bachelor, my parents are no longer living, and I don't think my sister would understand, so I can't say I discuss union matters with my family. But I don't go it alone, either. I might have missed something in the conversation or I might have the wrong viewpoint. I want input before I make a major decision. I ask my vice chairperson and others I work with for their thoughts and advice. The more input I get, the better off I am."



Harry Lewis, Jr.
L-597, Des Plaines, Ill.

"I hired out in 1972, work as an over-the-road engineer with Union Pacific, and serve as vice local chairperson. It's important for my family to know what's going on, what's affecting me, and what solutions the UTU is pursuing, because it affects us all. It's important that my wife is informed because she takes a lot of the phone calls. I discuss union matters with her and take her opinions into consideration, but ultimately I make the decision. She comes from a rail family, so that helps. My son is 22, and he's got a good union job, so my experiences have been helpful to him."



Mike Berry
L-1620, Elkhart, Ind.

"I'm a Norfolk Southern yard conductor with about 25 years of experience, and my fiancée happens to be the vice local chairperson, so we do end up discussing union matters at home. We don't always agree, either, because she's from the new school, hiring out after 1985, and I'm from the old school. We don't have heated debates, but we do have quite a few differences. We get together over coffee in the morning with other members of the local and discuss things. She's on the extra board, so sometimes we go two or three days without seeing each other."

UTU Travelers Club plans for fun down under with trip to Grand Australia and New Zealand

The wonders of the land down under are awaiting UTU members and their guests who take advantage of the UTU Travelers Club's **Grand Australia & New Zealand** travel experience, set for **October 10-28, 2001**.

Priced at just \$4,349, this 19-day package includes round-trip airfare from nearly any U.S. city, stays in first-class hotels, a total of 27 meals (including all breakfasts, three lunches and seven dinners), the use of a luxury motor-coach, the services of a professional tour director, and much more!

Day 1 & 2 - USA to New Zealand. Cross the equator and the international date line on your flight to New Zealand.

Day 3 - Arrive in Auckland. Enjoy a tour that includes a harbor lunch cruise, and cele-

brate your arrival with a special dinner.

Days 4 & 5 - Rotorua. Travel New Zealand's countryside to the Waitomo Caves. Take a boat ride in an underground river through the Glow-worm Grotto. On Day 5, tour the Maori Arts and Crafts Institute, see the boiling mud pools at Whakarewarewa, visit Rainbow Springs, and enjoy the show at the Agrodome.

Day 6 - Rotorua to Queenstown. Fly to the Southern Alps and Queenstown, with dinner aboard the TSS Earnslaw.

Days 7 & 8 - Queenstown. Spectacular views of Mitre Peak from aboard the Milford Sound cruise. Day 8 at leisure, with dinner at the Skyline restaurant above the city.

Day 9 - Queenstown, Mt. Cook & Christchurch. Cross the Canterbury Plains, see Lake Tekapo

and the country's highest peak, and linger for two days in Christchurch.

Day 10 - Christchurch. A full day at leisure in the most British city in the hemisphere.

Day 11 - Christchurch to Melbourne. Fly across the Tasman Sea to Australia's Victorian city, home for two nights.

Day 12 - Melbourne. Sightseeing tours, capped by a trip to Phillip Island, a koala bear habitat featuring a parade of penguins.

Day 13 - Melbourne to Sydney. A short flight, followed by tours of the Rocks, the Royal Botanical Garden, Bondi Beach and the Opera House, then cruise the harbor.

Days 14 & 15 - Sydney. A visit to Koala Park, then a day and a half of leisure, with dinner high above the city at the Sydney Tower revolving restaurant.

Day 16 - Sydney to Cairns. Fly north to tropical Cairns.

Days 17 & 18 - Cairns. Travel a catamaran to Upolo Cay on the Great Barrier Reef, and view the underwater wonders on a glass-bottomed boat, with time to enjoy the beaches. Day 18 spent at leisure before a festive farewell dinner.

Day 19 - Back to the USA. Bid farewell to Australia.

For complete information, or to make your reservations now, call toll free (888) 280-7657, phone (440) 748-2777 from Canada, write to Lynn Westphal Tours, 8715 Timber Edge Dr., N. Ridgeville, OH 44039, or send e-mail to <lwestphal2@aol.com>.

Deposit deadline nears for Alaskan cruise; one of two Swiss Rail packages sold out

Those planning to participate in the **Alaskan Cruise** experience offered by the UTU Travelers Club are reminded that the **deadline for deposits is December 15, 2000**.

Deposits for the Alaskan Cruise should be sent to: **Lynn Westphal Tours, 8715 Timber Edge Dr., N. Ridgeville, OH 44039**.

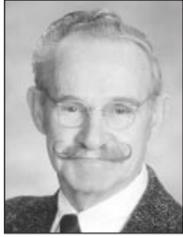
Those choosing the seven-night, north-bound *Voyage of the Glaciers* leave Vancouver on May 21, 2001, aboard Princess Cruise Lines' *Ocean Princess*, traverse the Inside Passage, visit such ports-of-call as Ketchikan, Juneau and Skagway, and will cruise Glacier Bay and the College Fjord. Prices range from \$879 to \$1,799. Purchasing the *Wilderness Package* extends the experience another seven days and includes a stay at the Kenai Princess Wilderness Lodge, a visit to the Alaska Native Heritage Center, a ride aboard Ultra Dome rail cars to Denali National Park, and accommodations at the Fairbanks Princess Riverside Lodge.

Also, one of the two **Swiss Rail** packages has been completely sold out, with **only 20 seats left** for the March 21-29, 2001, package, priced at just \$1,799 (double occupancy, plus \$137 in taxes). For information, call toll free **1-888-280-7657**. From Canada, call (440) 748-2777.

Senior News

Retiree serves in Idaho's senate

On the morning of November 8, while the nation awaited word on the winner of the U.S. presidential election, the citizens of Idaho's state district 33 already knew they had a winner in Arthur Lin Whitworth.



A.L. Whitworth

The night before, Brother Whitworth, 66, a member of Local 265, Pocatello, Idaho, had handily won his fourth two-year term as state senator.

"I've always gotten a lot of support from UTU members," Whitworth said. "Brother Greg Farris, our UTU state legislative director, stood behind me all the way."

Whitworth's rail career began in 1952 when he hired out with the Union Pacific. He was promoted to conductor in 1959, and he held that position until he retired. At that time, he was also assistant state legislative director.

"I also had been chairperson of the state's Democratic party," said Whitworth. "But I think the reason I was 'famous' enough to win my first term in the senate was because of my family's charity work."

Whitworth and his family sponsor meals on Thanksgiving and Christmas for the homeless and for seniors "who would otherwise be served by Meals on Wheels, which doesn't do holiday meals," Whitworth explained.

"Lots of UTU members help us out on the holidays, when we use the Senior Citizen Center in Pocatello to cook a big meal," Whitworth said. "We prepare about 300 dinners. We're good cooks; in fact, all my kids are good cooks."

Whitworth boasts seven children, 33 grandchildren, and three great-grandchildren, "with a couple more great-grandchildren on the way."

He was also among a group of rail workers who had the misfortune of seeing a fellow worker killed on the job. As a memorial, they established the Oakley Archibald Scholarship in 1992 at Idaho State University.

Idaho's bicameral legislature, which holds session January through March, is 89% Republican, said Whitworth, who noted it includes 35 senators and 70 representatives.

"Each year, we try for a two-person rail crew bill," Whitworth said. "That's one bill for sure that I'll be backing to help rail workers."

RRB offers workers, retirees new Internet online services

Railroad Retirement beneficiaries and rail employees can now access a number of new services via the Internet through the U.S. Railroad Retirement Board's (RRB) website at <http://www.rrb.gov>, the agency said.

The services available include requests for:

- Replacement Medicare cards
- Duplicate benefit information statements for income tax purposes
- Annuity rate verification letters



Individuals accessing the RRB's website for these services will be asked to complete and submit an on-line form. The agency is utilizing the most secure encryption technology available to ensure all information it receives through the Internet remains confidential and safe from unauthorized access. Upon receipt, the RRB will process the item requested and mail the material to the individual's address of record.

As an additional security feature, if an address provided on the electronic form does not match the address in the agency's computer systems, the item will be forwarded to the RRB's nearest field office, which will contact the individual to ensure delivery to the correct address.

While these same services are available through the RRB's toll-free automated Help Line at 1-800-808-0772, or through any of the agency's 53 field offices nationwide, this marks the first time the agency has made such transactions available through the Internet.

"AccessRRB," a new section on the RRB's website, outlines plans for additional services and provides a description of the security features that will be employed.

Also included is an Internet customer survey to allow visitors to provide feedback on the types of services they would like to see the RRB offer over the Internet, the RRB said.

Expert sounds warning on HMOs

The head of a company that rates the financial condition of health maintenance organizations (HMOs) has urged Medicare patients who have been dropped by their money-losing HMOs to steer clear of other HMOs.

"Seniors who have been dropped from their HMO should not rejoin another," said Martin D. Weiss, chairman of Florida-based Weiss Ratings Inc.

"The latest Medicare withdrawals greatly narrow the viable choices available to seniors down to just a handful of profitable and financially healthy Medicare HMOs," he said, "and even many of these may soon be dropping out of the business."

Weiss's comments come as dozens of health insurers around the country have announced they will shut down their Medicare plans after Dec. 31, saying reimbursements from the federal government are inadequate.

The announcements left about 934,000 Medicare recipients with new coverage decisions to make by the end of the year.

Richard Coorsh, a spokesman for the Health Insurance Association of America, a trade association, disputed Weiss's warning. But he

did encourage senior citizens to compare benefits offered by HMOs with traditional Medicare plans.

About six million of the nation's 39 million Medicare patients joined HMOs when the option was first offered in 1997. A key attraction was that, unlike traditional Medicare, HMOs offered prescription drug benefits.

Military retirees gain expanded health care

President Clinton has signed into law a two-pronged health care initiative for current and future military beneficiaries eligible for Medicare that includes a vastly expanded prescription drug benefit and turns Tricare into a true cradle-to-grave benefit.

But Clinton said he was "concerned that the Congress fails to deal fully with the high, long-term cost of this new benefit."

Effective Oct. 1, 2001, any Medicare-eligible military beneficiary who has enrolled in Medicare Part B will have Tricare as second payer to their Medicare benefits. The Tricare Senior Pharmacy Program will begin April 1.

THE FINAL CALL

Following are the names of members of the UTU Retiree Program who have died recently, according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow UTU Retiree Program members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
2	Cooper, Richard A.	Toledo, OH	525	Anderson, C.L.	Moorhead, MN	982	Cobb, Howard C.	Thompson, PA	1390	Natusch, Sr., G.A.	Woodbridge, NJ
72	Turnberger II, R.G.	Ceresco, MI	602	Wolfe, R.H.	Northumberland, PA	1006	Greaves, Bernard L.	New Eagle, PA	1445	Minni, Phillip	Bloomfield, NJ
204	Golosky, Morris	Pueblo, CO	631	Petoney, H.L.	Hagerstown, MD	1067	Larson, John A.	Chisholm, MN	1570	Kamrar, King K.	Citrus Hts., CA
320	Malicoat, Vern E.	St. Helen, MI	816	Winter, W.S.H.	Harrisburg, PA	1375	Yost, Francis J.	Philadelphia, PA	1591	Kurant, Steve S.	Baltimore, MD
440	Murphy, A.V.	Bellefontaine, OH	904	Gower, Don B.	Evansville, IN	1378	Dougherty, G.P.	Wilmington, DE	1638	Glenn, Edward F.	N. Olmsted, OH
469	Brown, Claude E.	Florissant, MO	931	Rufty, A.F.	Salisbury, NC	1382	Kaufmann, W.L.	Milwaukee, WI	1831	Flynn, Thomas F.	Glendale, NY
498	Heffelfinger, Harry D.	Bath, PA	942	McCoy, Wesley J.	Sumter, SC	1389	Clark, Ralph L.	Ironton, OH			

Get ready for the 2001 Regional Meetings!

Due to unreasonable opposition to the Railroad Retirement and Survivors' Improvement Act of 2000 by Sen. Pete Domenici (R-N.M.), as well as the resulting strong potential for picketing on site, the UTU had no alternative except to cancel the UTU/UTUIA Regional Meeting scheduled for August 20-22, 2001, in Albuquerque, N.M.

"It is unfortunate that the actions of one senator from New Mexico, in collaboration with the Republican leadership in the Senate, have deprived us not only of the benefits of the Railroad Retirement reform, but also of our ability to hold a regional meeting in the beautiful city of Albuquerque," said Director of Public Relations, Education and Training Eric Pack. "Additionally, we have been unsuccessful in contracting an alternate location for this meeting, and have been forced to hold only two regional meetings in 2001."

"Because of the reduction in the number of meetings, you should make every effort to secure reservations as soon as possible," Pack said. He also noted that the best airline prices include a Saturday night stay.

The 2001 UTU/UTUIA Regional Meetings will be:

June 25-27, 2001, Greensboro, NC

Sheraton Greensboro Hotel at Four Seasons
3121 High Point Rd., Greensboro, NC 27407
Hotel direct reservations: (800) 242-6556
Call between the hours of 6 a.m. and 11 p.m. EST
Reservation code: UTU
Room rate: \$119 single/double
Reservation deadline: May 20, 2001
Parking: Free, self parking

July 23-25, 2001, Winnipeg, Manitoba

Delta Winnipeg Hotel (*host hotel*)
350 St. Mary Ave., Winnipeg, Manitoba R3C3J2
Hotel direct reservations: (800) 268-1133
Reservation code: UTU
Room rate: C\$125 single/double
Reservation deadline: June 19, 2001
Parking: C\$9 per day

Sheraton Winnipeg Hotel (*first overflow hotel*)
161 Donald St., Winnipeg, Manitoba R3C1M3
Hotel direct reservations: (800) 463-6400
Reservation code: UTU
Room rate: C\$109 single/double; C\$124 deluxe king/2 queens
Reservation deadline: June 19, 2001
Parking: C\$8.50 per day

Place Louis Riel All-Suite Hotel (*second overflow hotel*)
190 Smith St., Winnipeg, Manitoba R3C1J8
Hotel direct reservations: (800) 665-0569
Reservation code: UTU
Suite rate: C\$120 to C\$135, single/double
Reservation deadline: June 19, 2001
Parking: C\$4.50 per day

United Healthcare open enrollment in December

During the month of December 2000, United Healthcare will hold an open enrollment under GA-23111.

During this open enrollment, any individual eligible for coverage under one of the GA-23111 plans can enroll and will be accepted for coverage without any medical underwriting or requirement of good health.

There are no limitations on pre-existing conditions.

If you enroll in December 2000, you will be covered effective January 1, 2001.

Only those applicants who mail their enrollment form in December 2000 will be considered for open enrollment.

This open enrollment is being held:

- For persons already enrolled in GA-23111 who want to change their coverage from Plan D to Plan F (which has no prescription drug coverage) or from Plan F to Plan D. The next opportunity to change plans will be December 2002.

- For any individual who was covered under any railroad health plan and was represented by a railway labor union. Previously, only individuals covered under GA-23000, GA-107300 or GA-46000 were eligible to enroll under GA-23111.

If someone you know meets the new GA-23111 eligibility provisions, open enrollment provides an opportunity to become covered.

You may also enroll your spouse or eligible children if they are not currently covered.

In addition, open enrollment under Plans D or F is available for your parent or parent-in-law. Anyone interested in enrolling should call the following phone numbers to obtain an enrollment form or get additional information:

For persons eligible for Medicare, call (800) 809-0453.

For persons not eligible for Medicare, call (800) 842-5252.

The next open enrollment will be December 2002.

UTUIA seeks 2001 Volunteer of the Year

The United Transportation Union Insurance Association is looking for a special person to honor as its 2001 Volunteer of the Year.

Do you regularly volunteer at a hospital or nursing home? Do you lead a Boy Scout or Girl Scout troop or work with the handicapped? Are you involved in some other activ-

ity that benefits those in your community? If so, we would like to know about it.

A panel of judges at the UTU International will review all submissions and select the 2001 Volunteer of the Year. The individual selected as UTUIA Volunteer of the Year will receive a \$1,000 U.S. Savings Bond and

a plaque of appreciation from UTUIA. Additionally, he or she will be honored at the 2001 UTU/UTUIA Regional Meeting nearest his or her home (all expenses paid by UTUIA). Also, 20 runners-up will be selected to receive certificates of appreciation for their volunteer efforts.

Deadline for submission of nominations is February 28, 2001.

The outstanding individual will be notified by registered mail, and certificates of appreciation will be forwarded to runners-up as soon as possible. Decision of UTUIA judges is final. Previous nominees may be nominated again, however, former Volunteers of the Year are ineligible to receive awards.

The Volunteer of the Year program is designed to accomplish many things, not the least of which is the opportunity for UTUIA to let its fraternal light shine. It also provides an opportunity for UTUIA to recognize its volunteers for their outstanding contributions to others.

The nomination form should be mailed to: **UTUIA Volunteer of the Year, Attn.: Sandra Kranick, UTU/UTUIA Fraternal Coordinator, 14600 Detroit Ave., Cleveland, OH 44107-4250.** Don't forget to include a separate sheet of paper describing your volunteer activities.

UNITED TRANSPORTATION UNION INSURANCE ASSOCIATION

2001 Volunteer of the Year Nomination Form

Name _____ Local _____

Address _____

City _____ State _____ ZIP _____

Telephone Number _____ Dates of Volunteer Activity _____

Total Volunteer Time (hours, minutes) Weekly Monthly \$ _____
Value of Contribution (if applicable)

Please attach separate sheet of paper describing volunteer activity.
The more documentation you can provide, the better.

12/00

UNITED TRANSPORTATION UNION INSURANCE ASSOCIATION, 14600 DETROIT AVE., CLEVELAND, OH 44107-4250



Best Wishes for a Happy Holiday Season



Charles L. Little

Charles L. Little
International President



Byron A. Boyd, Jr.

Byron A. Boyd, Jr.
Assistant President



Paul C. Thompson

Paul C. Thompson
General Secretary/Treasurer

On Behalf of the Officers and Employees
of the United Transportation Union,

We Wish You and Your Family the Most Joyous of Holiday Seasons.



DECEMBER 2000

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PARENTS...GRANDPARENTS...

This Christmas, Give a Gift that Will Last a Lifetime

Have you ever stopped to think about what you **could** have done with the money you spent on Christmas gifts in the past? If you're like most parents and grandparents, you go overboard. But what usually happens to those gifts? Do they end up in the corner, rarely played with — or worse yet, broken? Why not give your little ones a lasting gift this Christmas?



“The best thing I gave each of them was a paid-up \$25,000 life insurance policy.”

– Willis G. Croonquist
Local 1177, Willmar, Minn.

Retired UTU member Willis G. Croonquist and his wife, Rita, pose for their annual Christmas photograph with their seven grandchildren. The Croonquists gave each of their grandchildren a gift that will last a lifetime: a paid-up, \$25,000 life insurance policy from the United Transportation Union Insurance Association.

Permanent life insurance is a wonderful way to provide a lifetime benefit for your youngsters. What better way to show them you care? Permanent life insurance is very inexpensive at young ages, and premium-paying choices are endless, since premiums can be paid in one easy payment or over just about any period of time you select. Give a gift that **keeps on giving** by returning the coupon below, or by calling toll-free, 1-800-558-8842, for assistance from your UTUIA representative.

Information, Please



I would like more information on UTUIA's ULTIMATE PAR policy. **Please Print.**

Full Name of Member _____		Sex _____	Date of birth _____
Address _____		City _____	State _____ Zip _____
Telephone Number with Area Code _____		UTU Local Number _____	

Please provide full name, sex, date of birth, and relationship of the child for whom the information is requested on the line below.

Full Name _____	Sex _____	Date of Birth _____	Relationship _____
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Complete and mail to: UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250

12/00