
SAN FRANCISCO – In response to UTU International President Mike Futhey announcing the flawed merger attempt with the Sheet Metal Workers International Association “dead,” some 800 UTU members at the western regional meeting here July 8 responded with thunderous applause, foot-stomping, cheering and whistling.

“There will not be a merger today. There will not be a merger tomorrow. There will never be a merger with the Sheet Metal Workers,” Futhey told the loudly supportive International vice presidents, general chairpersons, state legislative directors, delegates, local officers and leaders in training while delivering his state of the union message.

Futhey described 18 painful months of frustration and litigation with the Sheet Metal Workers International Association (SMWIA) leadership, and hundreds of thousands of dollars in court costs incurred as a result of the flawed merger that was initiated by previous administrations.

Implementation of the merger was halted by a federal district court in December 2007, prior to Futhey taking office.

In issuing, first, a temporary restraining order against the merger, and then a preliminary injunction, the federal court ruled that the UTU membership had not been permitted an informed vote when the merger question first was put out for ratification in mid-2007.

If the merger were to be restarted, said Federal Judge John Adams, a constitution for the merged organizations would have to be written and then submitted to the UTU membership for ratification—a process that was ignored when the initial merger ballot was sent to the membership in 2007 by a previous administration.

Among crucial facts withheld from the membership was that UTU’s cherished craft autonomy would be eliminated upon implementation of the merger.

In an attempt to lawfully restart the merger process — as suggested by the federal court — Futhey sought to engage the SMWIA to write the constitution that would govern a merged SMWIA and UTU.

“I have gone to the SMWIA time and time again to put a constitution together and protect the interests of UTU members,” Futhey said. “I met a stone wall each time.” He said the UTU’s insistence that craft autonomy be preserved in any merger was met by a SMWIA response that craft autonomy “can’t be accepted.”

Futhey said that when he took the UTU Board of Directors to a meeting with the SMWIA leadership in Washington — asking, “What will it take to put the constitution together” — the UTU was again rebuffed.

The UTU board “overwhelmingly” said, “let’s walk away,” Futhey reported.

The federal court injunction against the merger is currently on appeal before the U.S. Sixth Circuit Court of Appeals, with no time limit on when a decision might be reported out.

Rail pension, jobless funds robust

The Railroad Retirement Board (RRB) reports that, barring a sudden, unanticipated, large drop in railroad employment or substantial investment losses, the Railroad Retirement system will experience no cash-flow problems during the next 22 years.

As of Sept. 30, 2008, total Railroad Retirement system assets, comprising assets managed by the National Railroad Retirement Investment Trust and the Railroad Retirement system accounts at the Treasury, equaled $26.7 billion, the RRB said.

The cash balance of the railroad unemployment insurance system was $115.7 million at the end of fiscal year 2008, according to a recent RRB financial report.

The report did not recommend any change in the rate of tax imposed by current law on employers and employees.

UTU introduces new craft logos

Three new UTU logos — representing the union’s aviation, bus and railroad departments — were unveiled at the San Francisco regional meeting. Each logo is now available on a variety of UTU gear sold by American Products, which has a link on the UTU Web page (www.utu.org). Said UTU International President Mike Futhey, “These three new logos recognize the strength of the UTU’s representation in the bus and rail industries, and our continued expansion into the airline industry. The distinct logos also recognize the commitment of this organization to its core value of craft autonomy.” Locals, general committees and state legislative boards wishing to use one or more of the new logos should contact the UTU Public Relations Department at prt@uta.org.

Hazardous materials awareness training class will be held at the upcoming New Orleans regional meeting. This valuable training session will be held Sunday, Aug. 16, from 8:30 a.m. to 5 p.m., at the Sheraton New Orleans. There is no additional charge for this workshop. Participants will be provided a wide range of written and other materials. If you have questions, please see the “Meetings” page of the UTU Web site or e-mail North Carolina State Legislative Director Dickie Westbrook at doublenick@aol.com.
Local 40, Denver, Colo.

On June 11, Colorado State Legislative Director Rick Johnson attended the local meeting of Great Lakes Airlines pilots and flight attendants to present the newly formed local with its official UTU charter.

Local 161, Seattle, Wash.

Local President Brian Donald reported that this Grayline bus local will hold its annual barbeque Aug. 22 from 11 a.m. to 7 p.m. at the Grayline terminal at 4500 W. Marginal Way S.W. “We look forward to seeing all our members for some wonderful food and good times,” Donald said.

Local 4245, Spokane, Wash.

Conductor Terrance “Eld” Carlson was named one of BNSF’s Safety Employees of the Year for 2008 for his outstanding contributions in support of an injury-free and accident-free workplace. As chairperson of the Lakeside Subdivision local site-safety committee and co-chair of the division safety committee, a sub-division that had the highest number of injuries of any subdivision at BNSF, Carlson helped reduce the subdivision’s injuries from 11 in 2007 to two in 2008.

Local 432, Champaign-Urbana, III.

Local meeting dates for this CN (Illinois Cen- tral) local have been changed to the second Wednesday of each month, according to Legisla- tive Rep. Grady Crippin. Meetings are still being held at Rockleak’s, 252 East Springfield Ave., in Cham- paign at 7 p.m. Crippin added that the meeting location may also be changed in the future due to some permanent remodeling changes at the current meeting location.

Local 650, Minneapolis, Minn.

Member David Riehle, a local labor historian for the Twin Cities, is scheduled to lead a walk- ing tour Aug. 6, visiting sites important to the 1934 strike at the former Market District (now Minneapolis Warehouse District). The tour will leave the Downtown Central Library’s Central Hall at 300 Nicollet Mall in Min- neapolis at 6:30 p.m.

Local 768, Locust, III.

Secretary-Chaplain DeJalynes reported that this Norfolk Southern local recently donated $100 to each of its farleighed members. “We in Local

UTU member celebrates 50-year service milestone

UTU member Ray Bottles billed himself as “the last active brakeman on the New York Central’s 220th Century Limited,” and now he has reached another highlight in his railroad- ing career – 50 years of railroad service.

On May 29, at Cleveland’s CSX Collinwood Yard, Bottles was presented with a gold, diamond-encrusted pin by CSX Exec- utive Vice President and Chief Operating Officer Tony Ingram – who arrived in a Pullman railcar – to commemorate those 50 years.

“They brought this train out here to give me that pin,” Bottles said. “It had to cost a lot of money to do that.”

Bottles, 68, began his railroad career May 29, 1959, as a fireman with the New York Central in Toledo, Ohio. On April 1, 1960, he became a trainman/conductor and has worked in that capacity ever since with the NYC, the Pennsylvania Central, Conrail and CSX.

He served in the U.S. military from 1963 to 1965, but his years of service continued to accrue.

A former legislative representative and secretary of the grievance committee for Local 2 in Toledo, Bottles said he plans to retire on Sept. 30. “When I leave railroad service, I will be the last New York Central system employee in Cleveland,” he said.

“People ask how I can stand it, but it was just my life,” Bottles said of his 50 years on the railroad. “If you love something like I did, you keep doing it.”

Bottles comes from a railroad family. In fact, Bottles said, 13 family members were, at one time or another, employed by the New York Central system, from switchman (grandfa- ther) to police lieutenant (father) to house- keeping (mother) to ticket office attendant (sister) to maintenance of way (brother).

He learned to love railroading at an early age, something that was passed on to him by his father and grandfather.

“I have done one thing my father and grandfather never did. I accomplished 50 years on the railroad. My grandfather only had 49,” he said.

Bottles and his wife, Cathey, have a son who is a Cayugahoga County deputy sheriff and daughter in medical school.

“When I go, that’s it. I’m the last of my family to work on the railroad,” Bottles said.

To learn more about Bottles visit his Web site at www.raybottlestrain26.com.

Ray Bottles, left, speaks with CSX Chief Operating Officer Tony Ingram after being presented with a pin commemorating 50 years of rail service.

768 would like to do the best we can to help out those employees that have been affected by the slowdown in the economy,” DeJalynes said.

Local 974, Nashville, Tenn.

Members of this CSX local held a cookout on June 26 at Henry Hamburger Park in Chapel Hill in honor of Larry Pigg, who is nearing retire- ment, Tennessee Legislative Director Jerry Anderson reported. Pigg has served as local chair- person for the last 20 years, and has also served the local as president and delegate. He was secretary of General Committee GO 513 for eight years.

Some of those attending the cookout, from left, were Vice Chairperson Mark Tipton, Vice President Michael Butler, Secretary Tom Logan, Secretary-Treasurer Mike Loyd and Secretary-Treasurer Mike McPherson.

UTU member Ray Bottles celebrates 50 years of service.

Local 982, Rochester, N.Y.

Six members of Local 982, as well as all rail- roaders, are reminded to claim all penalty pay- ments before departing their terminal, said Local Chairperson David Murphy. “Remember that when you submit claims and they are processed … it’s just like money in the bank,” Murphy said. He also asks all members who see unsafe acts or practices to fill out an “Unsafe Practice Report- ing Card” and return it to a local officer for pro- cessing. “These situations need to be document- ed. When such a situation is reported and a fol- low-up is done, you are contributing to protec- tion of a fellow member.”

Local 1440, Staten Island, N.Y.

Members of this Staten Island Railway local congratulated Joe Palmieri on his election to the position of secretary of General Committee STR. Local Secretary-Treasurer Vincent LaBella reported. Palmieri has been employed by the rail- way’s signal department since 2005. LaBella also reported that the local has established a Website at http://j440.utu.org to provide more timely information to its membership.

Local 1529, Walbridge, Ohio

Michael B. Pietrowski, 60, died Monday, July 6, at the University of Toledo Medical Center fol- lowing a motorcycle accident on June 27, Michigan State Legislative Director Jerry Gibson reported. Pietrowski was a CSX conductor and new hire member. He retired in January 2009 after 36 years of service. A U.S. Army veteran, Pietrowski is sur- vived by his wife Patti, sons Michael and Mark, and grandchildren Michaela, Marshall, Megan and Ryan. “We lost a greatest man whom was pil- lious laugh and big heart touched many. His leg- acy will be in those that knew him, those that he trained and mentored, and those he loved,” Gib- son said. Memorial donations are suggested to Hospice of Northwest Ohio, the Multiple Sclero- sis Society or the American Diabetes Association.

Local 1918, El Paso, Texas

Conductor Bob “Bebble” Bailey and engineer Jon-Taylor retired recently and will be great- ly missed, reported Local President Paul Casares. Bailey started 39 years ago on the Texas/Louisiana Line that was absorbed by the SP, and later the UP, and enjoyed all 39 years injury-free. He had only one investigation and was not disciplined. Taylor began his career 37 years ago with the SP.

Local 1951, Albany, N.Y.

The home and possessions of yardmaster Sal- vadore Ruiz, and his family, were lost to a fire on June 8, Antrakt GO 142 General Chairperson Bob Keeley reported. Following a report on the UTU Web site seeking assistance for the family, Keeley said “the family is extremely grateful for the sup- port they received and the show of internality from fellow members.” Anyone wishing to assist the family can contact Keeley at (917) 412-5227.

Wisconsin safety summit a success

UTU Wisconsin State Legislative Director Tim Denneen reported that the third annual Rail Work Safety Summit held in Stevens Point, Wis., on June 29, was a great success, with more than 60 employees from the UTU, BLET and RMWE in attendance. The event included workshops on the National Labor College’s haemat program, OSHA whistle- blower protection and an FAA review of the new rail safety legislation. “It was great having railroad workers from all different crafts come together in solidarity to discuss safety on a pro-active basis,” Denneen said. Also, the Wis- consin Legislative Board’s Web site address has changed to http://wisconsin.utu.org.
The UTU begins to formulate Section 6 notices

The UTU is beginning the process of formulating Section 6 notices to be served on rail carriers negotiating under the umbrella of the National Carriers’ Conference Committee (NCCC), which will include proposals to increase wages, benefits, improve working conditions and update operating rules.

As mandated by the Railway Labor Act and the current national agreement, these Section 6 notices will be served on most of the nation’s rail carriers on or about Nov. 2, 2009, to become effective no earlier than Jan. 1, 2010.

The serving of the Section 6 notices is the first step in negotiating a new national agreement with railroads represented by the NCCC.

The carriers represented by the NCCC also have been working on their own wage and rule notices which they will serve at or about the same time the UTU notices are served.

All officers and members are invited to submit proposals for the Section 6 notices to the UTU International.

The UTU International will be cataloging the numerous proposals submitted by members during the months of August and September.

A committee of general chairpersons from the Association of General Chairpersons, District 1, will review the proposals submitted and begin to fine-tune those suggestions into proposals for the carriers.

The union will then convene the full Association of General Chairpersons, District 1, which will review and finalize the union’s Section 6 notices.

Soon thereafter, the Section 6 notices will be reproduced and mailed to all U.S. general chairpersons for serving on the affected railroads Nov. 2.

Under the Railway Labor Act, the current national agreement between the UTU and NCCC will remain in effect until a new agreement is reached.

As specified in the current national agreement, cost-of-living adjustments will be paid as agreed therein during the process of reaching a new agreement.

“All members will be kept up to date regarding the Section 6 notices and developments in negotiations, when and where the UTU News and the UTU Web site,” UTU International President Mike Futhey said.

Four UTU officers elevated to vice president

CLEVELAND — Four UTU officers have been elevated to the position of International vice president to fill vacancies created when their four predecessors were removed from office by the UTU Executive Board after being found guilty of violating the UTU constitution.

Elevated to International vice president were Richard Deiser, William W. Lain Jr., Delbert Strunk and Paul W. Tibbit.

The filling of such vacancies is governed by Article 2 of the UTU constitution.

Deiser, age 69, of Davenport, I., began his bus operator career with Rockland Coaches in northern New Jersey in 1988. He was elected steward of UTU Local 1588 in 1986, as secretary of his general committee in 1988, and as general chairperson of Rockland Coaches in 1998. In 2007, he was elected alternate vice president—East of the UTU Bus Department.

Cleveland

The UTU agreements protect laid-off workers

The adverse impact of furloughs will be lightened for some CSX workers under an innovative furlough retention board agreement negotiated by General Chairperson John Lesniewski (GO 349) with assistance from General Chairperson John Hancock (GO 351).

This furlough retention board agreement also is being offered by CSX to other UTU general committees.

The agreement is voluntary between general committees and CSX, but first must be offered by railroad management. If offered, CSX general chairpersons will discuss with local chairpersons whether to place it into effect.

The agreement is similar to a continuous employment board agreement negotiated with UP by UTU Assistant President Arty Martin while he was an International vice president.

Attempts are being made to gain similar agreements with other railroads, including BNSF and Norfolk Southern.

“These agreements do not impact the operation of extra boards,” Lesniewski said.

Under the CSX agreement, furloughed employees placed on each furlough retention board will be guaranteed four days of work per bi-weekly pay period, will retain health-care insurance, will continue building seniority and Railroad Retirement credits, will remain current for re qualification examinations and qualifications, and will be recalled to active service under a pre-determined formula.

Lesniewski said the CSX furlough retention board is an attempt to lighten the impact upon our cut-off and furloughed brothers and sisters to the extent possible, given that the carrier literally does the hiring and firing.

In negotiating these agreements, UTU officers have stressed to the carriers that short-term economic gains from furloughs could backfire during the peak vacation season and implementation July 16 of new hours-of-service regulations — both of which will limit availability of qualified operating crews.

Agreements such as UP’s continuous employment boards and CSX’s furlough retention boards lessen the likelihood that younger employees will depart the railroad permanently, triggering, eventually, an expensive search for new hires who then must be trained from scratch.

UTU members placed on continuous employment boards or furlough retention boards also are able to pursue part-time employment elsewhere, with knowledge that their families are protected, until the recession ends.

Lain, age 55, of St. Louis, began his career in 1973 as a locomotive engineer on Alton & Southern Railway, and was promoted to engineer in 1974. He was elected vice president of UTU Local 1829, East St. Louis, Ill., in 1984, and as vice local chairperson for Local 1829’s engineers in 1985. He was elected Alton & Southern general chairperson in 1998, and as second alternate UTU vice president-East in 2007.

Strunk, age 59, of Bellevue, Ohio, hired out as a brakeman on Norfolk & Western Railway (now part of Norfolk Southern) in 1973, and was promoted to conductor in 1977. He was elected legislative representative of UTU Local 225 in 1975, as Local 225 conductor in 1980, and as general chairperson of GO 687 in 1989. He has served on the UTU National Negotiating Committee and the UTU National Wage/Rules Panel, was elected vice chairperson of District 1 of the UTU Association of General Chairpersons, and was elected in 2007 as chairperson of the UTU Constitution Committee. He was elected first alternate UTU vice president-East in 2007.

Tibbit, age 62, of Temple, Texas, hired out as a conductor with Atchison, Topeka & Santa Fe Railway (now part of BNSF) in 1971. He was elected secretary/treasurer of UTU Local 331 in 1992, and later chairperson in 1996. He was elected general chairperson of GO 393 in 1997 and as UTU alternate vice president-West in 2007.

The four International vice presidents who were removed from office by the Executive Board were John W. Babler, Victor Baffoni, James R. Cumby and Constantino A. Iannone.

The four Executive Board members, who were unanimous in their decision, included James A. Huston, chairperson; and members Joe A. Boda, John Risch and Stephen T. Dawson. The board said it reached its decision after reviewing 1,065 pages of transcript and other documents, records and exhibits.

The charges were brought Feb. 29, 2008, by numerous rank-and-file members of the A&G.

Identical charges were filed against two other International vice presidents and a former UTU national legislative director, but those charges were not heard before the Executive Board.

Former International Vice Presidents Roy C. Boling and John D. Fitzgerald retired prior to the charges being heard, and former National Legislative Director James R. Brunkenhofer died prior to the charges being heard.
We are a union on the move

By Mike Futhey, International President

International President’s Column

Through the AFL-CIO, we are pushing for changes in commercial driver’s license regulations that subject bus operators to loss of their jobs if they receive citations while operating personal automobiles.

We also are working to gain legislation requiring improved crash-resistant buses, uniform driver-training standards, and required training in dealing with abusive and threatening passengers.

The UTU is growing financially stronger owing to new cost containment controls and conservative investment policies, with our general fund balance up 90 percent since January 2008. UTUIA earnings have been growing each quarter, and the UTUIA has a $23 million surplus.

And our DIPP claims no longer exceed premiums.

Officers at every level are benefitting from ILINK features, and the UTU University is providing members with online educational opportunities that will continue to be expanded.

A new initiative remains true to its pledge of two-way communication. We invite your comments and suggestions and we will continue to provide leadership messages posted at www.utu.org.

UTU working to ease pilot, flight attendant fatigue

Fatigue is a serious problem for pilots and flight attendants. Flight attendants, additionally, are without protections afforded under the 1970 Occupational Safety and Health Act (OSHA).

The UTU, working with the Transportation Trades Department of the AFL-CIO, as well as the Air Line Pilots Association and the Association of Flight Attendants, is focused on both of these issues on behalf of UTU’s airline industry members.

Current Federal Aviation Administration regulations permit lengthy and irregular shifts across multiple time zones. There are numerous instances of flight crews being given only eight hours of rest between shifts, and that includes travel to and from the airline terminal, which frequently permits as few as three to five hours of actual sleep.

As we know too well in the rail industry and as has been documented by sleep scientists at major universities – going to work fatigued is like going to work drunk. The difference is that an intoxicated person soberes up; but a fatigued transporta-

tion worker only becomes more fatigued.

Federal regulation and enforcement is needed, and additional help is on the way with the recent confirmation by the Senate of former airline pilot Randy Babbitt to be the federal aviation administrator. Prior to his nomination by President Obama to head the Federal Aviation Administration (FAA), Babbitt served on an independent review team examining and making recommendations to improve the FAA’s aviation safety system.

In fact, Babbitt said in June that the FAA will propose, by fall, new limits on how many hours airline pilots can fly. Babbitt said the new limits will take into consideration that pilots flying routes with numerous takeoffs and landings experience more fatigue than pilots on longer flights with only one takeoff and landing.

Current FAA regulations permit pilots to be on duty up to 16 hours, with eight hours of scheduled flight time, and airlines can order them back to work with as few as eight hours between shifts.

The February crash of a commuter plane near Buffalo, N.Y., which killed 50 people, gives greater urgency to revising aviation hours-of-service rules because it was determined that the co-pilot of the doomed flight commuted overnight from near Seattle.

Babbitt said, also, that he wants airlines – including commuter carriers – to participate in two safety programs studying fatigue.

As for flight attendants, they are currently under FAA safety-rules jurisdiction rather than OSHA rules. Yet, the FAA has never prescribed or enforced safety and health standards or regulations, which are the core of OSHA regulations. The administration of George W. Bush refused to impose specific workplace protections in the aircraft cabin that had been informally agreed to by airlines.

“There are numerous instances of flight crews being given only eight hours of rest between shifts.”

The UTU and others are working in support of legislation requiring the FAA to establish regulations to provide a safe cabin environment.”

So it is that the UTU, the AFL-CIO Transportation Trades Department, the Air Line Pilots Association and the Association of Flight Attendants are working jointly in support of legislation requiring the FAA to establish regulations to provide a cabin environment free from hazards that can cause physical harm.

It is expected that Babbitt will move to set such rules, although legislation would ensure they could not be tampered with by future administrations less concerned with workplace safety.
Florida

State Legislative Director Andres Trujillo, working in collaboration with the South Florida Rail Transportation Authority, which operates the financially troubled TriRail commuter-rail system, is fighting to help save the popular system and the jobs of the people who operate it.

The UTU and SFRTA met with members of the Florida congressional delegation, from both sides of the aisle and from all points across the state, urging them to stress to Florida’s Gov. Charlie Crist and others the importance of Tri-Rail’s survival to Florida’s hopes and plans for rail-based commuter and passenger solutions.

All this activity and much more still to come, comes at a political price. The UTU has spent, and will spend, considerable political capital in this fight, and UTU PAC makes this all possible.

Without UTU PAC, friends and leaders who share our concerns would not be helped in their election and re-election bids. The upcoming Florida senatorial and gubernatorial races presage the future.

Veolia members ratify pact

CONCORD, N.C. – Local 1596, representing UTU bus members employed by Veolia Transportation here, have ratified a new three-year agreement with the carrier.

The agreement provides for pay increases on each anniversary of the three-year agreement, an additional paid holiday, vacation protection language and a new bonus schedule.

UTU Bus Department Vice President Vic Baffoni congratulated General Chairperson Alvy Hughes, Local Chairperson Kimberly Bell and Local Secretary April Rodgers “for their hard work and determination in negotiating this agreement. It was a job well done under difficult economic circumstances.”

Rails to pay for FMLA violations

The nation’s four largest railroads have been ordered to pay a basic day’s wage to each employee who was required by the carriers to substitute paid vacation and/or paid personal leave for unpaid leave allowed under provisions of the Family Medical Leave Act (FMLA).

Carriers affected are BNSF Railway, CSX, Norfolk Southern and Union Pacific. Other carriers, however, are expected to abide by the ruling.

The UTU and 11 other rail labor organizations pursued the successful arbitration decisions.

To qualify for payment from the carriers under this binding arbitration award, employees must have filed a timely and procedurally valid claim based on their request for unpaid leave under the FMLA that was denied by their carriers. The carrier payment will be at the then-effective straight time rate, and for each day the carriers improperly required the substitution of paid vacation and/or paid personal leave paid for under FMLA leave.

Under the FMLA, employees may elect to take up to 12 weeks of unpaid leave to deal with a family emergency, or a personal serious health condition. In their December 2008 award, arbitrators John E. Sands, William H. Holley Jr., and Jerome H. Ross said that collective bargaining agreements guarantee employees “a set number of vacation days” and/or paid personal leave paid for under FMLA leave.

The arbitrators also ruled that collective bargaining agreements similarly guarantee paid personal leave days.

Indiana

Effective Aug. 1, Kenneth Edwards is the new state legislative director in Indiana.

He takes over from Thomas Hensler, who will be retiring.

Edwards, who serves as local chairperson, delegate and legislative representative for Local 744 in Frankfort, works out of Lafayette as a locomotive engineer with CSX. He began railroading in 1991.

Edwards has served as alternate state director since 2004.

Kyle Brooking, vice local chairperson and legislative representative of Local 1548, Indianapolis, will be the new assistant state director.

“I am ready to offer top-notch service to the members in Indiana,” Edwards said. “My members are number one.”

South Dakota

Vaughn “Rick” Davids, long-time UTU South Dakota state legislative director, died June 4. He was 60 years old.

Davids served as state director in South Dakota for more than 20 years. He was elected to the post in 1988 and re-elected most recently in 2008. He retired in 2009.

He was a member of Local 375, Edgemon, S.D., since 1974.

Donate to UTU PAC!

It doesn’t cost, it pays!

Minnesota

The UTU’s Minnesota Legislative Board is compiling and distributing the names of furiously tough UTU members looking for side work.

The lists are being posted at crew-change points and terminals throughout the area, State Legislative Director Phil Quayl said.

“If you have work at your home or business that you need to get done, or you have friends and family with service needs or projects to be completed, please give one of our UTU furiously tough members a call,” Quayl wrote in a note distributed with the list of members.

The members offer a wide variety of skills, from construction to mechanical trades, residential heating and air conditioning, automotive repair and woodland service.

If you are a UTU member who wants to be listed on the “Brakemen’s Register,” call Quayl at (651) 222-7500.

Nevada

State Legislative Director Rod Nels has mixed emotions over a recent announcement that a huge landfill is planned for a rural area in northern Nevada.

San Francisco-based waste-hauling company Recology is seeking permits to turn land it owns in Jungo into the state’s largest landfill.

Ninety-nine percent of the trash would be from California and primarily from San Francisco, said George McGrath of Recology. The company plans to bring the waste to the site by 45-car trains.

He says the material would be sealed in rail containers until arriving at the location.

“As state director, I will thoroughly investigate this plan,” Nels said. “From the outset it appears that it will not add to the growing bas in Sparks or Winnemucca, but could increase jobs in Portola, Calif.

“However, as a private citizen, I am concerned as to the environmental impact this landfill might create. The location proposed is 30 miles from Winnemucca and is used by a variety of outdoor enthusiasts.”
San Francisco regional meeting photo highlights
UTU offers “Old West” tour

UTU Alumni Association members have spoken, and the UTU has listened.

The association’s travel agent, Landfall American Express Travel, recently conducted a survey of association members, asking them where they would like to vacation.

The results are in, and now Landfall has put together a trip of a lifetime for UTU members, “Pioneer Adventures of the Old West.”

This eight-day adventure starts in Phoenix, Ariz., May 9, 2010. The next day, travelers take off from Scottsdale, Ariz., to Sedona, Ariz., and the Montezuma Castle National Monument and spectacular Oak Creek Basin.

The next day participants will ride the Grand Canyon Railway through Grand Canyon National Park. That night, accommodations will be at the Bryce National Park Lodge.

On day four, participants will travel along Desert View Drive before entering Navajo Country. Then it’s off to Monument Valley in southwestern Utah and Lake Powell.

On the fifth day, participants can enjoy the many amities of Lake Powell at their leisure. Accommodations are at the Lake Powell Resort.

The next day participants will travel to Zion National Park, where the towering cliffs and massive walls of Zion Canyon will take their breaths away. They also will travel to Bryce Canyon National Park for more fun.

Day seven is spent discovering Bryce National Park, with its fabulous pink, orange and red sandstone spires. That evening participants will enjoy dinner at the Bryce Canyon Country Roadhouse.

On the final day, participants will travel through the scenic Virgin River Gorge into southern Nevada and on to fabulous Las Vegas, where the tour ends.

If sufficient numbers of Alumni Association and UTU members sign up for this tour, a deluxe motorcoach will be assigned them exclusively.

The rate is only $1,525 per person based on double occupancy and airfare is additional.

The price includes seven breakfasts and three three-course dinners, as well as airport transfers, hotel taxes, tips for baggage handling and a sightseeing program.

Landfall Travel can also help arrange lodging and other amenities in the days before departure from Phoenix or after in Las Vegas.

A $200 deposit per person is due within one week of reservations. Final payments are due March 1, 2010.

For more information contact Landfall American Express Travel at (800) 835-9233, email travel@landfalltravel.com, or access the UTU Alumni Association page of Landfall Travel’s Web site, www.landfalltravel.com/UTU.html.

This tour arranged through internationally known travel provider Breендal Vacations, is open to all UTU Alumni Association members, although other UTU members are welcome to join them.

June E. Austin, who was almost immortalized in the Guinness Book of World Records as the world’s oldest mayor when he was 103, has passed away at age 108.

Austin, a member of Local 1074, Freeport, Pa., was a conductor on the Pennsylvania Railroad from age 18 until his retirement at age 66. While working, he met such celebrities as Greta Garbo, Bing Crosby and President Harry Truman.

After 30 years of retirement, Austin became mayor of Oakdale, Pa., in 1994, at age 95, and was famous for cruising around town in a maroon Cadillac. He ran for re-election in 1997 and won his second term.

In 2001, friends tried to have Austin entered in the records book, but his bid was thwarted when his birth date could not be substantiated by railroad records, records from the State of Virginia or a Bible.

Austin, a 32nd Degree Mason, attributed his longevity to good living, abstinence from alcohol and tobacco and the fact that he only had “one girlfriend his entire life,” his wife Emma, who died in 1987.

THE FINAL CALL

Following are the names of recently deceased members who maintained annual membership in the UTU Alumni Association (formerly known as the UTU for Life Program), according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow UTU Alumni Association members.

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www.utu.org / www.utuia.org
UTUIA Cancer Hospital Indemnity

UTUIA’s new Cancer Hospital Indemnity policy offers you and your family members the following protection:

- $300 per day for hospital confinement
- $600 per day in extended stay benefits
- $100 per day for home recovery and convalescence
- $2,000 first diagnosis benefit
- $15,000 bone marrow transplant benefit

Cancer is often a lingering disease that strikes all age groups. It may require repeated, extensive treatment, resulting in the person being unable to work, high hospitalization bills, and loss of income. The National Cancer Institute reports that cancer will strike in three out of four families.

UTUIA’s Cancer Hospital Indemnity policy offers peace of mind. The benefits are paid directly to you to use as you see fit — to help meet household expenses and other continuing expenses. This policy supplements regular hospitalization insurance, thereby protecting savings.

*Some benefits may vary based on state of residence.

Information, please

I would like more information on UTUIA’s Cancer Hospital Indemnity policy.

Please print

Full name

City

State

ZIP

Telephone number with area code

UTUIA local number

Complete and mail to: UTUIA Sales Dept., 14630 Detroit Ave., Cleveland, OH 44107-4250

UTUIA opposes taxing health care benefits

WASHINGTON – The UTU and 30 other trade unions have jointly written members of Congress in opposition to any proposal that would pay for health care reform “by altering the tax treatment of employer-provided health care.”

“We believe this would be a step in the wrong direction that could jeopardize the overall reform effort,” wrote the 31 trade unions.

“More than 160 million Americans receive their health coverage through the workplace, either as an employee, dependent or retiree. Both Congress and the president have said health care reform will build on what works and have assured Americans they can keep the coverage they have if they like it. This makes good political and policy sense.

“Eliminating or capping the tax exclusion for employer-provided health care benefits — based on income, the premium level or a combination of the two — would threaten to undermine this primary source of health care coverage for most Americans.

“First, it would remove a key incentive that employers have in providing the benefit. This could lead employers either to change substantially or eliminate health care plans.

“Second, if workers have to pay what amounts to a tax increase at possibly both the federal and state levels, that could lead younger, healthier workers to pass up employer-sponsored coverage for less comprehensive plans. This would drive up the cost of coverage for older, less-healthy workers, leading to the unraveling of employer-sponsored coverage.

“Contrary to the arguments put forward by proponents of proposals to eliminate or cap the tax exclusion for employer-provided health care benefits, this would not be an effective means for containing health care utilization and costs and curtailing so-called ‘Cadillac’ health care plans.

“Instead, it would simply penalize persons who happen to be in plans that have higher costs because of factors beyond their control — that is, plans with more older workers, plans covering geographic areas with higher costs or plans sponsored by small businesses that have higher administrative costs.

“It’s obvious the American people want health care costs lowered, not increased. They expect the Congress to make coverage more affordable, not less.

“Any result to the contrary may undermine their support for the program.”

THE UTU INTERNATIONAL STAFF:
HERE TO SERVE YOU

TIM RASGAITIS
Tim Rasgaitis is the senior records administrator in the president’s file room. He started in 1995 in the Supply Department and has held a variety of jobs in various departments. Tim is responsible for the accurate and timely updating of members’ files. “I update the members’ files with any changes that come through, like local changes, transfers or insurance updates. I also handle the filing of correspondences from the president and International officers, filing via general committees, locals, state legislative boards and various subject matter as well as doing various research projects. I always have something to keep me busy.”

DORA WOLF
Dora Wolf serves as an administrative assistant in the Updating/Auditing Department. She started in 2002 as a clerk in the file room. Then she served a dual role as executive assistant to the assistant president and the Field Service Department. She also filled in as the UTU PAC administrator for several months. “I assist Updating Department Director Marilyn Spangler in a variety of roles, from working the E-49 billings and membership transfers, to researching direct-pay projects. I’d say that I am very well rounded because I have worked in so many departments and am able to address a variety of membership concerns.”

DAN LOUGH
Dan Lough is the director of meeting management in the Public Relations, Education & Training Department. He started in 1977 as a computer operator. He now coordinates the majority of the meetings, workshops and conventions for the UTU International. He negotiates all hotel and convention center contracts, and handles negotiations with union printers for the UTU News and other UTU printing projects. He is also vice president of UTUIA Unit #1. “I am proud to have served at the UTU International for 32 years. I enjoy meeting and working with the members and officers who run this great union.”

www.utu.org / www.utuia.org
Nancy Drummond: UTUIA volunteer of the year

Nancy Drummond has been named the UTUIA’s volunteer of the year for 2009.

Drummond, a resident of Sheridan, Wyo., is a member of UTUIA Auxiliary Lodge 801 in Sheridan and serves as the Auxiliary’s state legislative director. She is the wife of Bruce Drummond, local chairperson of Local 951, Sheridan, who also serves as vice general chairperson of BNSF General Committee G O 249.

Drummond was born into an active Democratic family in Detroit and remembers going door to door as a young girl, handing out brochures on Election Day.

She married Bruce and moved to Wyoming, where her volunteering took new root.

For the next 30 years, her life evolved around volunteering:

- She was instrumental in helping to form Wyoming Care, a charity that helps residents with unfunded medical expenses.
- She served on the board of the Wyoming Multiple Sclerosis Association for nine years.
- She serves as city council member for the City of Sheridan. She ran for mayor but was defeated by only 26 votes.
- She serves on the board of the North Main Revitalization Program.
- She served as vice chairperson of the state’s Democratic Party executive board for six years (2003-2009). She currently serves as a committeee member on the Wyoming Democratic State Central Committee. She represented the state as a super delegate at both the Democratic National Convention in Denver in August 2008 and the Democratic National Convention in Boston in July 2004.

“Although the UTUIA received many nominations for this prestigious award, your undying devotion to others exemplifies the true spirit of fraternalism,” wrote International President Mike Futhey in congratulating Drummond. “Your involvement in community and charitable causes brings recognition not only to you but to the UTUIA/UTUIA and your brothers and sisters as well.”

Carriers seek to violate UTU agreements

The nation’s major railroads have asked a federal court to permit them to violate existing collective bargaining agreements with the UTU and the BLET in order to implement new hours-of-service regulations.

The hours-of-service limitations are directed by Congress in the Rail Safety Improvement Act of 2008 (RSIA), whose intent is to reduce traincrew fatigue and improve their quality of life.

The lawsuit was filed in U.S. district court in Ft. Worth, Texas, and the UTU and the BLET intend to mount a vigorous defense.

The carriers acknowledge that they intend to implement the new regulations as they see fit; and, in so doing, may violate existing labor agreements with respect to wage guarantees.

“Quite simply, the railroads have asked the court to overturn their collective bargaining agreements with the UTU and the BLET,” said UTU International President Mike Futhey. “The carriers want court approval to disregard collective bargaining agreements in violation of the Railway Labor Act.”

“In fact,” said Futhey “the Rail Safety Improvement Act provides expressly for collective bargaining on this issue, containing a proviso permitting general counsels to negotiate a better balance between time off and earnings, while preserving guaranteed time off.

“This lawsuit is not about assuring the safety of its employees,” Futhey said. “This lawsuit is about protecting the carriers’ profits. It is nothing more than the carriers’ attempt to put the entire burden of the new hours-of-service limitations on the backs and pocketbooks of their employees.”

BNSF, CSX, Kansas City Southern, Norfolk Southern and Union Pacific have asked the court to declare that any disputes, arising out of their unilateral implementation of the new hours-of-service regulations, is a “minor” dispute under the Railway Labor Act, which requires binding arbitration.

“All railroads would benefit financially at the expense of employees and safety if this carrier lawsuit is successful,” Futhey said.

FRA seeks comments on PTC use

WASHINGTON – The Federal Railroad Administration has issued proposed rules designed to prevent train collisions through the use of Positive Train Control (PTC).

The Notice of Proposed Rulemaking (NPRM), which solicits comments from rail labor, carriers and others, prescribes how railroads must use PTC systems to prevent train collisions.

The Rail Safety Improvement Act of 2008 instructed major freight railroads and intercity and commuter rail operators to submit their plans for PTC to the FRA for approval by April 16, 2010. PTC systems must be fully in place by the end of 2015. The proposed rules will specify how the PTC systems must function and indicate how FRA will assess a railroad’s PTC plans.

The UTU has long supported the implementation of PTC, and it has long been one of the highest priorities of the National Transportation Board.

Since passage of the Rail Safety Improvement Act last fall, numerous UTU officers have been working with others from rail labor, the carriers and the FRA to produce the Notice of Proposed Rulemaking on PTC.

The UTU will coordinate its comments to the FRA with the Brotherhood of Locomotive Engineers and the Brotherhood of Railroad Signalmen.

The UTU’s Rail Safety Advisory Committee PTC working group will also meet with their counterparts from the carriers and with the senior safety staff of the FRA to finalize the regulations.

UTU members should share their thoughts and concerns with regard to PTC with the UTU Rail Safety Advisory Committee PTC Working Group by e-mailing them to the National Legislative Office at utuldd@aol.com.

Meet your UTU Designated Legal Counsel

There is no more dangerous work environment than on the railroads, where injuries too often are severe. The Federal Employers’ Liability Act (FELA) makes railroads accountable for unsafe working conditions. Railroads retain skilled attorneys to protect their interests. You also have access to skilled and experienced attorneys who understand the railroad industry, its safety hazards, and every aspect of the FELA. They are the UTU Designated Legal Counsel, chosen for their special knowledge and experience. Their job is to represent you. This continuing column introduces you to all of the UTU Designated Legal Counsel. For a complete listing, go to the UTU home page at www.utui.org and click on the blue tile, “Designated Legal Counsel.”

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100 S. Fourth St., Ste. 440
Oakland, CA 94612-2603
(510) 451-6732
(900) 677-7600 (U.S.); (800) 448-7675 (Calif. only)
basurtos@hmnlaw.com

Access to the nationally recognized Designated Legal Counsel program is a valuable benefit of UTU membership. The union seeks out highly skilled lawyers with records of success and integrity. All members can, and should, contact Designated Legal Counsel if they are injured to determine their legal rights. The advice given is confidential and sensitive to the individual employee’s circumstances.

JEROME J. SCHLICHTER
Schlichter, Bogard & Denton LLP
100 S. Fourth St., Ste. 900
St. Louis, MO 63102
(314) 621-6115
(800) 373-5997 (toll free)
jschlichter@usb.com

When railroad employees go on duty, they risk injury at any time and need access to quick information from designated UTU counsel. A quick phone call for advice on filling out an accident report can make the difference between financial security and making a mistake that you could have to live with the rest of your life.
Providers offer new wellness programs

The national railroad health plans are now offering wellness programs to promote healthier lifestyles:

Now, at no additional cost, you have access to smoking cessation programs and healthy weight programs.

Smoking and excess weight are substantial factors that take a staggering toll on lives and resources. Tens of thousands of smokers die every year from lung cancer. Death is not the only danger other cancers are known to be caused by smoking, such as pancreatic, larynx, bladder, cervix, stomach and breast cancers. The incidence of related heart and lung disease, add thousands more to the mortality figures.

Excess body weight is also associated with a host of serious health problems including heart disease, Type II diabetes, high blood pressure and high cholesterol.

The medical costs for treatments associated with smoking and excess weight are astronomical—an estimated $75 billion annually.

This results in substantially higher costs for every health insurance plan, including your own.

What is particularly troubling is that illnesses brought on by smoking and obesity are in large part preventable, and so is the human suffering and expense that is a part of it.

That’s why the national railroad health plans are working with forces with you by offering means to fight the powerful addiction that accompanies tobacco use, as well as the frustration that inevitably results from unsuccessful dieting.

These new programs provide tools to assist members who have an interest in better health, all at no cost.

The smoking-cessation program includes motivational one-on-one and telephonic personal coaching, nicotine replacement therapy (gum, lozenges or patch) and support for up to a year. And if you choose to quit, or relapse, you can try again at no cost as many times as it takes. Even with the uncertain risks that may apply to juvenile members, nicotine replacement therapy is not available to members under the age of 18.

Excess weight management emphasizes good nutrition and increased exercise. A key objective is to reduce body mass index (BMI), which is a strong indicator of healthy weight. Weight loss counseling includes access to registered nurses, weight loss therapists and nutritionists.

The contact information for your benefit administrator under the national railroad health plans is:

UnitedHealthcare: (877) 201-4840; www.myuhc.com
Aetna: (800) 842-4044; www.aetna.com
Highmark: (800) 650-8442; www.highmarkbcbs.com

*Any person covered by a UTU union shop or an agency shop agreement in the United States who elects to be a non-member has the right to exercise such right to disenroll from the collective bargaining activity related to collective bargaining, contract administration, or other activities referred to above. Each non-member who objects shall pay the reduced fees.

**To the extent permitted by law, a non-member cannot participate in Union elections as a voter or as a candidate; attend Union meetings; serve as delegate to the Convention, or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified.

The objecting non-members shall provide notice of objection by letter to the General President of the International of the objection by first-class mail postmarked during the month of September each year or within thirty (30) days after his/her first begins paying fees and notice of these procedures. The objection shall contain or be accompanied by a copy of the Union’s current bylaw. Once a non-objector, the object shall stand until revoked. Objects may only be made by individual employees. No petition process is provided for.

The following categories of expenses are chargeable:

1. All expenses for the preparation of a written notice of objection, procedures, practices and working conditions.
2. All expenses for the preparation of an agreement by the agency activi-
ties to effoctuate collective bargaining agreements.
3. All expenses for the preparation of a written notice of objection by the objecting non-members and staff and intended to prepare the participants to better per-
fom in the arbitration.
4. All strike fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, infor-
mational activities, etc., that benefit members of the barg-
gaining unit or craft represented by UTU.
5. All expenses not covered by the above categories related to the proceedings of the arbitrator.

The arbitrator shall give prior written notice of all proceedings to be conducted and the time and place at which such proceedings are to be held.

The arbitrator shall have the power to control all procedures and matters affecting the proceedings in order to ensure proper and efficient administration of the arbitration.

Each party to the arbitration shall bear their own costs.

13. The International shall have the burden of establishing that the reduced fees set forth in the neutral referee’s report are lawful.
14. If the arbitrator shall determine that more than one day of hearings is necessary, hearings shall be scheduled to con-
tinue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.
15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objects may be charged, and shall set forth the decision the legal and arith-
metic basis for such decision.

If an objecting member receives an advance reduction wishes to continue objection, he/she shall continue to pay the reduced fees that he/she is currently paying until the neutral referee issues the report. As soon as possible after the issuance of the neutral referee’s report, he/she shall pay the amount of the reduced fees calculated by the neutral referee. Persons objecting to the first time shall be sent a copy of the report prepared by the neutral referee for the year and shall pay the reduced fees as soon as possible.

17. Each month thereafter for all objectors, an amount shall be put in an interest-bearing escrow account equal to 25 percent of the reduced monthly fees, or such other greater amount as may be determined by the neutral referee, and shall be paid at by UTU from the proceeds of other proceeds from the year previous year shall be paid the amount of the non-chargeable mon-
ey that is in the escrow account until fifteen (15) days after the transcript has been determined by the neutral referee’s report as soon as practicable after its issuance. The appropriate unit of UTU shall not, however, take its portion of the monies in the escrow account until fifteen (15) days after the conclusion of the arbitration; in no event shall the appeal of the neutral referee’s report, or upon the issuance of the decision of the arbitrator, unless otherwise agreed to in writing.
This month’s winning photo:

This month’s winning photograph was taken by Jimmy Hardison, vice local chairperson of Local 662, Richmond, Va. “I have been a Newport News yard conductor for more than 29 years. I was shooting the last cars of a coal train as it cleared the road crossing at milepost 25 on CSX’s Peninsula Subdivision between Richmond and Newport News. I used an 11-second exposure. This is what appeared as the train cleared the crossing; I was left with a ‘ghost train’ effect,” Hardison said.

The UTU Public Relations Department awards UTUer the union member who submits the best photograph during the previous month.

The winning photo will be published in the UTU News. Exceptional photographs will be included on the UTU.org site.

The UTU would like to see photographs or digital photographs of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local, or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to UTU News, 14600 Detroit Ave., Cleveland, OH 44107.

High-resolution digital photographs should be in the JPEG format and e-mailed to utunews@utu.org

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

All photographs submitted become property of the UTU. Remember to review your employer’s policies regarding use of cameras on the property or during work hours.

Inside this issue of the UTU News:

UTU attorney tapped to head rail reg agency

WASHINGTON — President Obama July 20 nominated UTU Associate General Counsel Daniel R. Elliott III to become a member of the three-person U.S. Surface Transportation Board, and to be designated the agency’s chairman upon Senate confirmation.

Elliott, age 46, becomes the second UTU official to be selected for a senior position in the Obama administration.

“The selection by President Obama of Dan Elliott and Joe Stabo to head major transportation regulatory agencies is tribute to the political influence of the UTU, which flows from the UTU PAC,” said UTU International President Mike Futhey.

“We have good reason to expect President Obama will reach into the UTU ranks for other appointments in the near future,” Futhey said.

If confirmed by the Senate, Elliott would become the second Democrat on the three-member STB, joining Democrat Frank Mulvey (who has been acting chairman) and Republican Charles Notthingham.

Mulvey previously was the principal adviser on railroad issues to Democrats on the House Transportation and Infrastructure Committee.

Beyond regulating railroad pricing and service, the STB is the single federal agency from which railroads must seek approval to merge, abandon track and lease or sell lines. In regulating such transactions, the STB sets levels of labor protection.

Elliott has been the UTU’s associate general counsel since 1993, representing interests of the UTU and its members before the Surface Transportation Board, the National Mediation Board, the National Labor Relations Board, the Federal Railroad Administration, and the Federal Courthouse.

Earlier in his career, Elliott practiced law with a number of firms in Cleveland and Washington, D.C.

The Senate Commerce Committee must now set a date for a confirmation hearing.

If the committee votes in favor of Elliott, his nomination will move to the Senate floor for confirmation.

See photos from the San Francisco regional meeting on pages 6 & 7.

CSX honors UTUer Ray Bottles for his longevity. See page 2.


Nancy Drummond: UTUIA volunteer of the year. See page 10.

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

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