The Sheet Metal Workers International Association (SMWIA), ever unwilling to accept that there never was, and never will be, a merger with the UTU, has resorted to desperate measures to keep alive its futile charade.

Contrary to facts and federal court action, the SMWIA and its General President Mike Sullivan are wrongly alleging that the once-intended merger of the UTU and the SMWIA to create the Sheet Metal, Air, Rail and Transportation (SMART) Workers has been implemented and Sullivan now is general president of SMART and in total control.

The National Railway Labor Conference (NRLC), which represents rail carriers, wasn’t fooled by the SMWIA charade and reacted swiftly to a written demand of the SMWIA that carriers deduct and remit to the SMWIA all UTU member dues.

The NRLC responded that “the deduction and remittance of dues are governed by the requirements of Section 2, Eleventh of the Railway Labor Act [which] requires railroads to deduct and remit dues in accordance with union security provisions contained in collective bargaining agreements.”

Earlier, Sullivan wrote numerous UTU International officers, general chairpersons and state legislative directors asserting that he has control of the UTU and that all UTU collective bargaining is under his total control.

In a further act of desperation, Sullivan wrote the National Mediation Board (NMB) – in a letter light on detail and without any legal authority – demanding that the NMB transfer all UTU certifications to SMART, again wrongly asserting that a merger between the UTU and the SMWIA actually took place. The fact is that the NMB has no jurisdiction to deal with such matters.

UTU International President Mike Futhey wrote Sullivan, “Your letters put the lie to your previous assurances that UTU would control its own collective bargaining. Up until now, you have been a wolf in sheep’s clothing regarding the issue. Now the sheep’s clothing is off, and we know you are trying to arrogate [claim or seize] to yourself the collective bargaining representation of the UTU membership.”

As U.S. Army General Anthony McAuliffe responded to the Nazi commandant who had demanded an American surrender during the Battle of the Bulge – “Nuts!” – Futhey simply ignored Sullivan’s demand that Futhey surrender to Sullivan the keys to the UTU and its treasury.

Among Sullivan’s demands were that no UTU International vice president assume “authority to represent employees in the name of, incur or assume any liability, obligation or expense in the name of the [UTU] or except upon the express direction of only to the extent authorized by [Sullivan].”

Separately, the UTU has asked a federal district court in Washington, D.C. to put an end to the charade of the SMWIA. The court was told by the UTU that creation of the SMART never occurred because crucial terms of the original merger agreement were not satisfied as provided by that agreement.

The UTU asked the court for a “declaratory

Continued on page 10
Local 117, Vancouver, Wash.
The members of this UP and Amtrak local salute UP engineer Roger Rouleau, his wife, Trish, and their four sons and daughter for their service to the U.S. and to their brother, Local Chairperson Andy Travero reported. Rouleau is on active duty in his second tour in Iraq. Sgt. John Rouleau is currently serving his second tour in Iraq. Spc. Cathay Rouleau served a tour of duty in Iraq and is currently serving in Afghanistan, and Sgt. Andy Young, Spc. Ryan Young and Pfc. Jim Rouleau are set to deploy to Iraq in September. “We thank the Rouleau family for their service to our nation and wish them safe tours of duty and speedy returns,” Travero said.

Local 240, Los Angeles, Calif.
Conductor Robert T. Emery, who hired out on the former Southern Pacific, retired from the UP on April 1 after 44 years, according to Local Chairperson Harry Garvin. “The members of Local 240 in Los Angeles wish him many long years of retirement,” Garvin said.

Local 305, Lincoln, Neb.
Member David A. Penner has returned to family and friends after completing his second 11-month deployment in Iraq, Secretary & Treasurer Bryan Dance reports. Spc. Penner, a member of the 443rd Transportation Unit of the National Guard, served his first deployment from February 2004 to March 2005. He hired out on the BNSF on April 4, 2007.

Local 324, Seattle Wash.
The members of this BNSF local are mourning the loss of fellow member Lynn Shaughnessy, a six-year conductor who died Feb. 21 from lung cancer, Local President Paul McGill said. She was 51.

Local 1440, Staten Island, N.Y.
Last month, members of this local collected televisions, MP3 players, board games and monetary donations to assist the Eden II School for the Disabled, which was burglarized and vandalized recently, Secretary & Treasurer Vincent LaBella reported. “Local 1440 knows that we are a major part of our community and we thought it would be nice to help others in need,” LaBella said. The local is also selling tickets to its 2nd annual “Night Out at the Staten Island Yankees.” Tickets are $18 each and include an all-you-can-eat buffet, baseball cap and a program. Last year, 204 guests attended. Interested members may contact the Events Committee at http://1440.untu.org.

Local 1503, Marysville, Kan.
Lloyd M. Drago, 87, father of UTU Transportation Safety Team Coordinator Nile Drago, who also is Local 1503 secretary and treasurer, died March 11 in Hastings, Neb. He was also a graduate of Kansas State Legislative Director Ty Drago. Born May 18, 1922, in Hastings, he graduated from Hastings High School and entered the Army Air Corps, from which he was honorably discharged Oct. 17, 1945. He worked for Union Pacific for almost 30 years and was active in Operation Lifesaver, traveling nationwide promoting railroad safety. Dragoo is also survived by his wife, Eva, and daughter, Dr. Frances Drago.

Local 1570, Roseville, Calif.
Local President Mike Rose, on March 27, presided over the local’s 34th annual retiree dinner at the Elk’s Lodge in Roseville, Secretary & Treasurer Norman J. Lucas reported. The evening featured a meeting and reception with Local 49 at Sacramento, Calif. Retirees who were toasted and toasted were Kal D. Hogan, Bruce Holder, Gerry Jennings, Hank Stiles and Daryl Machnich. Presenters included retirees Bill Schultz (1570), Chris Grimshaw (492), Lucas, Stinchfield (492) and Daryl’s daughter Lisa, with comments offered by Designated Legal Counsel Dr. Britt, Local Chairperson Harry Garvin (24) and Phil Dosher (492). Stinchfield said the event was video-recorded and clips will be posted on a Web site in the future.

Local 1597, Chicago, Ill.
The local has established a Web site at http://1597.untu.org, according to Local Trustee Phil Matejek. Officers of the local also reminded members that local meetings are held on the third Thursday of every month. The next scheduled meeting is April 20 at 7 p.m. at the Raday Lodge, 3220 W. 145th St., Mokena, Ill.

Local 1973, Chicago, III.
Yardmaster Robert L. Hainstock, 94, died at his home in Algonquin, Ill., on April 20. Local 581 Alt. Legislative Rep. Christopher T. Tassone told UTU News. Hainstock hired out as a conductor on the Wisconsin Central in November 1947. He made his way to Green Bay, where he spent most of his career. After CN purchased the property, he became a yardmaster in Green Bay and Neenah. “Locals 1973 and 581 will always miss a great master conductor and friend. His love of trains allowed Bob to take great pride in being a railroader by both occupation and hobby. Bob’s family and UTU brothers and sisters miss him greatly and remember him always,” Tassone said.

N.D. locals to host informational meetings
UTU locals in North Dakota will be holding their annual informational meetings for members from April 27-30, State Legislative Director Marc Halvorson reports. Guests will include UTU International officers, general chairpersons and representatives from the RRB, health-and-welfare benefit providers and designated legal counsel. “All members, retirees, and spouses are invited to attend any of these meetings at your convenience, regardless of your local,” Halvorson noted, adding “He will miss him greatly and remember him always,” Tassone said.

Meeting information is as follows:
• Tuesday, April 27: Local 1344: 1 p.m. meeting, free lunch to follow. Mandan Eagles Club, 1404 N. 2nd Ave., Mandan, N.D.
• Wednesday, April 28: Locals 887, 980 and 1137: 1 p.m. meeting, free lunch to follow. Howard Johnson Inn, Fargo, N.D.
• Thursday, April 29: Local 525: 2 p.m. meeting, free lunch to follow. Ramada Inn. Grand Forks, N.D.
• Friday, April 30: Local 1059: 1 p.m. meeting, free lunch to follow, 7 p.m. retirement banquet. Veto Club, 1820 2nd Ave. For more information, contact Halvorson by phone at (701) 223-0361, or by e-mail at utu1483@gmail.com.
In the January issue of UTU News, the two-page centerfold summarized provisions of the Railway Labor Act.

In the February issue, I explained how the Railway Labor Act is purposely designed to encourage both sides to reach a mutually acceptable solution that keeps the trains running.

In the March issue, I discussed the role of the National Mediation Board and the value of joint labor-management problem solving at the negotiating table, which is called “interest-based bargaining.”

After several years of unfruitful, hostile bargaining by the previous administration, International President Mike Futhey used interest-based bargaining in January 2008 to reach a national agreement with the major railroads—an agreement overwhelmingly ratified by our membership.

With the national contract again open for amendment, President Futhey and the UTU national contract negotiating team are again pursuing interest-based bargaining with the carriers to produce a contract beneficial to both sides.

**Interest-based bargaining produces beneficial results**

Successful joint problem solving requires that both sides understand the needs of the other. Labor’s challenge in interest-based bargaining is to have a solid understanding of carrier economics. It is not good enough to say we simply want something, because that list is endless. It is necessary to give a cogent argument justifying what the organization has in our Section 6 notice prepared by our general chairpersons.

To develop our arguments, we need a rock-solid knowledge base. To develop this knowledge base, President Futhey and the negotiating team are working with UTU staff trained in economics, finance, health care, and workplace issues. UTU staff members have been reviewing carrier financial filings to the regulatory agencies such as the Surface Transportation Board and Securities and Exchange Commission, as well as carrier annual reports, and reports of Wall Street analysts who follow railroad stocks on behalf of investors. Armed with data on how – and how much – railroads are raising rates on shippers, and how industries and public-sector employers, as well as cost-sharing by workers in those sectors, which is important in discussing with carrier negotiators their demands for increased health-care and insurance cost-sharing by UTU members.

It is through such solid economic analysis of carrier revenue, costs and profits that the UTU can best justify its demands for increases in the daily compensation rates and adjustments to other wage/rule agreements.

**It is through such solid economic analysis of carrier revenue, costs and profits that the UTU can best justify its demands for increases in the daily compensation rates and adjustments to other wage/rule agreements.**

**UTU protest saves LIRR jobs**

The snow seemed high as an elephant’s eye that February morning just east of New York City when UTU General Chairperson Anthony Simon (GO 519) hosted a rally opposing proposed service cuts on Long Island Rail Road, the nation’s largest commuter railroad.

Labor leaders from numerous crafts and the AFL-CIO, local lawmakers and even three congressmen braved the weather in support of the railroads’ employees and harassed commuters who pay special taxes to support the rail service threatened with curtailment. Media was there also – invited by Simon.

Within weeks of the rally, the Metropolitan Transportation Authority (MTA), which oversees the LIRR, blinked and agreed to rescind many of the proposed service cuts.

Credit was given Simon and his general committee for organizing the coordinated attendance of powerful lawmakers, researching the facts and ensuring media was informed.

**Simon decried that “employees of the LIRR are facing unjust layoffs that will directly affect the service received by the riding public, while senior staff salaries and packages are at an all-time high [and] there have been no management cuts.”**

“The customers of our system are being bemoaned with talks of text alerts, Wi-Fi, smart-card technology, while they are losing their train service and all of the safety provisions and experiences that should come with it,” Simon said.

U.S. Rep. Steve Israel (D-N.Y.) criticized the MTA for “believing they can balance their budgets on the backs of the middle class and hard-working families.”

The MTA withdrew its threat to cut commuter service to the eastern tip of Long Island, where residents pay $97 million in additional taxes to subsidize LIRR service.

“Anthony Simon is a master craftsman in choosing and using the most effective tools to get labor’s message across,” said Assistant President Amy Martin.

**Futhey, LaHood discuss transport safety issues**

At a recent AFL-CIO meeting, UTU International President Mike Futhey met with Transportation Secretary Ray LaHood (left), where they discussed air, bus and rail transportation safety issues.

Futhey is a member of the AFL-CIO Executive Council, the labor federation’s ruling body.

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**Al Suozzo dead at age 66**

UTU General Chairperson Albert L. Suozzo (GO 769), died at his home in Brick, N.J., March 17, just weeks shy of the 18th anniversary of his having been elected to the post.

As general chairperson of GO 769, Suozzo represented UTU members on Amtrak; former Penn Central, Conrail and Pittsburgh & Lake Erie lines; Conrail; Herzog Transit; and the Massachusetts Bay Commuter Railroad.

Amtrak honored Suozzo days after his passing with a directive that all engineers blast their locomotive whistles in a time-honored railroad tribute to the fallen.

Suozzo hired on in freight service with the former Pennsylvania Railroad in February 1964, becoming a member of UTU predecessor Brotherhood of Railroad Trainmen.

He subsequently was elected delegate, local chairperson and legislative representative for Local 1390 in Trenton, N.J., and later as vice general chairperson of GO 769, working under retired General Chairperson Charlie Jones.

Suozzo succeeded Jones as general chairperson in April 1992.

UTU International President Mike Futhey recalled Suozzo as “an aggressive general chairperson who fought vigorous fights for our members; and, most importantly, often prevailed in those fights. I spoke with Al a week before his death. His concern was the current round of negotiations with Amtrak, and he expressed his usual fire in the belly on behalf of his members. “His experience and tenacity will be missed. It is incumbent that we honor his legacy by being ever mindful of the ultimate task before us, which is to represent UTU members to our utmost,” Futhey said.

Survivors include his wife, Margaret, two daughters, a son and two stepsons.

In lieu of flowers, donations should be made to the Parkinson Foundation, 710 West 166th St., New York, NY 10032.
UTU craft autonomy not for sale

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he has never been doubt that the intent of the SWMIA, with assistance from the previous administration, was to implement a complete takeover of the UTU and abolish our cherished craft autonomy.

To hide that intent, the SWMIA and the previous administration refused to write a constitution for what was to be named the Sheet Metal, Air, Rail and Transportation (SMART) Workers.

Although they solemnly promised UTU craft autonomy would be preserved, their intent — hidden by a flawed merger ratification process — was to eliminate our craft autonomy.

Former UTU International President Paul Thompson, who had repeatedly assured members that UTU craft autonomy would not be eliminated by the merger, told a different story after the ratification vote.

SMWIA’s Sullivan says he “can’t live” with craft autonomy

At an October 2007 meeting of UTU western general chairpersons, Thompson said, “autonomy has served its purpose” and has become “antiquated,” and the merger with the SWMIA would make changes to the UTU constitution that “we know can’t be accomplished at a convention” through a delegate vote.

Two months later, at a meeting with SWMIA General President Michael Sullivan, attended by myself, Arty Martin, Kim Thompson and (at that time) UTU board members James Brunkenhoefer, Tony Iannone and Roy Boling, I asked Mr. Sullivan if he supported craft autonomy — whereby any individual craft has the power to vote down an agreement. Mr. Sullivan responded that he could not live with craft autonomy.

And just last month, Mr. Sullivan fessed up to his intent to completely control the UTU, sending letters to numerous UTU officers arrogantly asserting that all collective bargaining is under his total control.

SMWIA is attempting, by fraud, a theft of the UTU

Mr. Sullivan demanded that no UTU International vice president assume “authority to represent or act for or in the name of, or incur or assume any liability, obligation or expense in the name of the [UTU] or except upon the express direction of and only to the extent authorized by Sullivan.”

Mr. Sullivan’s letter was nothing short of an attempt to perpetrate a fraud and engineer a theft of the UTU.

The UTU International is, and will continue to be, the certified representative for train- and engine-service employees. No court or other governmental agency has issued any decision, order or other documentation that affects that representation right. The National Railway Labor Contention Board confirmed this, as explained on page 1.

Paul Thompson and Mike Sulli-

van had no intention of preserving craft autonomy. Mr. Sullivan’s intent was to be the master of the UTU.

No merger has taken place and no merger will take place. Our craft autonomy will not be eliminated.

Only the UTU has a written guarantee of craft autonomy, and I swore, upon taking office in January 2008, that I would do everything in my power to preserve craft autonomy.

Article 80 of the UTU Constitution guarantees craft autonomy. Under the UTU Constitution, no agreement may be changed without approval of each historical craft affected.

Craft autonomy gives smaller crafts protection not available with any other union.

Craft autonomy also extends to the local level. If there are two or more crafts represented by a single UTU local, the alternate delegate must be from the other craft.

It is because of craft autonomy that we have engine-service members in the UTU.

Craft autonomy is a cherished cornerstone of the UTU, and I intend to preserve it.

I took an oath of office to honor and defend the UTU Constitution, and that is precisely what I am doing.

Financial pitfalls can cost you plenty

A recent article on the UTU Web site, headlined “No cash for laid-off L.A. bus drivers,” reminded me of the pitfalls that our members can face in having a secure retirement.

It seems you can’t watch the evening news, open a newspaper or visit the Internet without hearing about identity theft, financial fraud, or investment schemes that have cost some their retirement savings.

It is an unfortunate reality in our society, and everyone must be vigilant and on the lookout for these financial criminals.

While expecting the government to protect us from these con artists is reasonable, the fact remains that government regulation and enforcement agencies can do little to stop fraud from occurring.

Most government involvement comes after the crime is committed and savings are lost.

The vast majority of investment advisers, investment firms and financial planners are trustworthy professionals. But an encounter with only one dishonest individual could devastate your retirement.

What can you do? Here are 10 steps suggested by best-selling author Charles Murray, a resident scholar with the American Enterprise Institute.

1. Every deal is a potential scam: Recognize that fraud is an act of deceit by one party intended to induce another to part with something of value.

2. Map out your goals before shopping or investing: There’s a difference between "buying" and "being sold."

3. Avoid mixing business with pleasure: According to the National Institute of Justice, the attempt to defraud is more successful if a person knows or knows of the offender.

4. Don’t get greedy: Remain calm and dispassionate.

5. Be suspicious of "inside information," "hot tips" and "one-time offers": Why you instead of Tom, Dick and Harry?

6. Educate yourself: Beware of getting all your information from the seller.

7. Double check all facts: A con artist doesn’t want himself or his deal scrutinized.

8. Don’t wilt when the heat is turned up: It takes a secure person to say no to pressure and manipulation.

9. A promise is only as good as the person behind it.

10. Scams copy the same methods used in legitimate business dealings: Spotting the difference can be difficult. Five tell-tale signs:

a. Nothing is promised that borders between reasonable and "too good to be true."

b. Victims typically know or know of the swindler.

c. A sense of urgency exists.

d. A cheat doesn’t want himself or the deal scrutinized.

e. High-pressure sales tactics are used.

There are many investment instruments, including your own UTUIA annuities, that are available in which to place retirement funds that can provide the necessary security and still provide a cash stream in retirement years.

In speaking with a financial adviser, find out what your experience has been. Check their credentials and demand other client references. And never write a check directly to an individual. Your payment should be to the investment firm or to the investment fund itself. A request for direct payment to an individual is a big red flag.

Remember, your retirement funds represent a lifetime of savings, and there is no "do-over."
Illinois

Two years after the Illinois Legislative Board first appealed for action, the Union Pacific is close to completing improvements that will bring its Bloomington Yard into compliance with the Illinois Safe Workplaces Act, State Legislative Director Robert Guy reports.

Local 234 Legislative Rep. Brian Hagele says that virtually all safety concerns recorded by the union had been eliminated, with the exception of some modest mop-up items.

“New switches, track, ballast and drainage were installed,” Hagele reported. “The gang completely raked out all track and ballast and replaced [it] with new material. We now have safer and better working conditions at the south end of Bloomington Yard.”

Prior to complaints, danger lurked

“Prior to our complaints, there was uneven footing, obstructions and a general lack of surface uniformity where employees are expected to work,” Guy said. “Other areas in the yard lacked sufficient walking ballast. These areas became hazardous during periods of precipitation due to the amount of mud that was created.”

“Lack of ballast around switches also caused employees to routinely step in standing or frozen water to operate switches. This condition affected areas in the rain as well, which became hazardous when employees needed to adjust air hoses, adjust couplers and hang rear-end markers.”

“It’s very gratifying to know that our brothers and sisters on the UP in Bloomington now have a safer working environment,” Guy said.

“I commend Local 234 members for their persistence and patience,” Guy said. “They understood that when local members document the issues in a professional and timely manner, the complaint procedure works.”

Donate to UTU PAC!

It doesn’t cost, it pays!

The UTU is working closely with New York Democratic Congressman Jerry Nadler and others in Congress to increase transit funding.

Nadler’s Brooklyn district is one of the most densely populated in America, and as the senior northeastern U.S. member of the House Transportation and Infrastructure Committee, Nadler has energized scores of House colleagues to join him in strongly urging the House Appropriations Committee to allocate some $15 billion for federal transit programs in fiscal year 2011, which begins Oct. 1.

This would be a significant increase beyond the $10.8 billion requested in President Obama’s FY2011 budget.

“It is essential that we provide sufficient federal funding to maintain our public transportation systems and increase their efficiency for riders,” Nadler told UTU National Legislative Director James Stem, who has been working with Nadler, his staff, on Capitol Hill and other transportation unions in support of increased transit funding.

“According to the American Public Transportation Association, $14.8 billion is the amount necessary to keep our transit systems in a state of good repair and accommodate an expected doubling of ridership over the next 20 years. During the current recession, transit funding will create and sustain thousands of quality jobs for hardworking Americans,” Nadler said.

Transit ridership at highest level in 50 years

Nadler and Stem are distributing data showing transit ridership has reached its highest level in five decades, and the demand for transit service is on the increase.

“Unfortunately,” said Nadler, “public transportation agencies across the nation are finding it difficult to keep up with that demand, and, instead, have proposed job cuts, service reductions and fare hikes. This situation is likely to worsen as state and local governments are forced to make budget cuts.”

While the American Recovery & Reinvestment Act helped to lessen the impact of the economic downturn by providing an additional $8.4 billion in transit capital funding, Nadler said “much of this progress could be lost if we do not continue to provide adequate levels of investment in transit programs.”

Texas

At a recent meeting of Local 756 in San Antonio, State Legislative Director Column English (right) had the privilege of welcoming in his son, Brian English (center), who serves as legislative representative of the local, as secretary of the Texas Legislative Board. Also pictured is long-time friend and UTU Designated Legal Counsel Steve Young. “It is inspiring to have a second generation elected to the Texas Legislative Board,” English said.

Tennessee

The Illinois Central (part of Canadian National) is challenging a state tax that it claims gives trucking companies an unfair advantage.

Railroads pay a 7 percent tax on diesel fuel, a charge taxes are exempt from paying. In a lawsuit filed last month, the IC claims the tax amounts to discrimination against its industry.

“This tax was levied following railroad deregulation in 1980,” State Legislative Director Jerry Anderton said. “Class I carriers were seeking to abandon or sell less-profitable branch lines. Shippers located on these lines were very opposed to the possible loss of rail service.

“We were opposed to the original legislation since we correctly perceived it to be a way to abandon lines and set aside our collective bargaining agreements. The ones who are trying to use this different and earlier law barring discrimination among shipping modes were the same ones who created the tax. I guess they think everyone has forgotten that it was their legislation in the beginning. I’m surprised that it took them this long to try to get out of the deal they made with the state,” Anderton said.

Georgia

Members of the Georgia State Legislative Board and other UTU members recently attended the annual Jefferson/Jackson Day dinner held at the Georgia World Congress Center in Atlanta, State Legislative Director Howell Keown reports.

Attending the dinner were (seated, left to right) Tasha Gray, Bernard Gray III (Local 1033, Atlanta, legislative representative, secretary/treasurer); Mike Parker (Local 535, Macon, legislative representative, local chairperson, delegate); Patrick Folsom (Local 1283, Valdosta, legislative representative, local chairperson, president); (standing, left to right) Keown; Wesley Griffin (Local 1790, Fitzgerald, local chairperson, delegate), and Michael Branam (Local 1790, legislative representative, secretary/treasurer).

Missouri

State Legislative Director Ken Menges recently urged UTU members in the “Show-Me” state to get more involved in the legislative process by supporting legislation that will help the state’s economy, especially in regards to food stamps and other programs.

“Missouri was a victim of the recession, and that recession will go on unless we do not pass the right legislation,” Menges said. “One thing I would want to see happen is that food stamps be expanded, so that people can buy food. That’s a program that has worked well in other states.”

“Another thing I would like to see is that we could do something about the certificate of need program, but I’m not advocating for that,” Menges said. “I think that’s not good for public transportation.”

More needs to be done to protect bus operators

There is no question that more must be done to protect bus operators.

“When operating a motor coach – whether carrying students, commuters, tourists or the handicapped – whenever we open the door, we are exposed to assaults,” Menges said.

Just in recent weeks, a driver in Utah was injured by a passenger who attacked him and caused the bus to crash, and in Chicago, a driver was hospitalized in serious condition after being struck by a customer in a fare dispute.

Almost daily, school bus operators must deal with abusive and unruly students.

Some employers are installing Plexiglas safety shields to protect drivers, and video cameras are being installed in buses and in bus terminals to record unruly behavior and threats.

In New Jersey, the state legislature passed a bill imposing severe punishment for anyone assaulting a bus operator or rail employee, and the law is proving to be effective. Coach USA has taken a further step and posted notices in its buses in New Jersey warning of the severe penalties for assaulting bus operators.

Our UTU national legislative office and many state legislative directors are working with lawmakers, many of whom are eager to craft legislation imposing penalties on those who assault drivers, and to require driver training in how to deal with unruly and abusive riders.

Within the UTU, from the local level to the International, we have qualified officers and staff working each day to help improve workplace safety.

Each of our bus locals should be working with state legislative directors to provide examples of the problems and suggestions for solutions, which will be communicated to lawmakers.
UTU PAC is key to better wages, working conditions

Your UTU PAC contribution gets you peace of mind

When Congress restored the Railroad Retirement provision permitting those with 30 years’ service to retire with full benefits, we depended on labor-friendly lawmakers to lead the way.

As the current Congress considers enhanced bus safety provisions, including improved fire-fighting equipment, stronger bus construction standards and minimum training standards for drivers, we are counting on labor-friendly lawmakers to lead the way.

All of the safety provisions in the Rail Safety Improvement Act, including 10 years of arch-tumed, but not returned because labor-friendly lawmakers led the way. Increased funding for Amtrak, transit, commuter rail and essential air service, as well as improved pilot training standards, complete modernization of the FAA, and adequate state funding for bus commuter and transit, all depend on labor-friendly lawmakers to understand the need for public transportation, which is the source of many UTU-member jobs.

Labor-friendly lawmakers fight for what is right for you

In state legislatures, labor-friendly lawmakers are helping us gain new laws and regulations affecting rail-yard walkway safety, vans that transport crews to and from terminals, and better training and protection for municipal bus and school bus operators.

The UTU, through UTU PAC, has achieved better wages, benefits and working conditions.

Join your fellow workers in the movement toward better laws and government through UTU PAC.

Top legislative representatives explain their success

When we are signing new workers up for the future, we hand them a UTU PAC pledge form and say, “Wow, you really need to do this, too, and do they. They don’t mind spending the money because they know it pays dividends coming down the line. Dickie and I know that these contributions are, and we keep telling our members, and they listen.”

Glenn Lunn, North Carolina Legislative Representative, Local 1129

“Current State Legislative Director and former Local Legislative Representative Tim Donovan had a lot to do with our success. I am fortunate to follow in Tim’s footsteps. One of the secrets is getting younger people involved. We get along well in the local and have good representation on the local, state and general committee levels, so the members are more likely to vote, asking questions and candidates stand on issues impacting our families, and to contribute a dollar a day to the UTU PAC, which is less than the cost of a cup of coffee. It’s an investment in our future.”

Legislative Director
James Stem

UTU PAC works for you and for your country, so most of these people do not have voters. We do.”

Steven R. Evans, Legislative Rep.

“We have a local that is very strong politically; virtually all the members are in some way involved in national, state and local elections; I am very lucky to live in an area of the country that realizes the value of the democratic process. Our local is very strong. If there is a work problem, or a work success, everybody knows about it. They all are willing to help each other.”

George J. Millward, Idaho Legislative Representative, Local 78

“This secret is to get out and inform the members of what the UTU PAC does, show them where their money goes, why it is important to contribute. That goes a long way. Being in a small town helps, but I do not talk about everyone I work with every month. Every member of my local contributes to UTU PAC, and only three are not Gold Club Members. If you take the time to talk to the members, they understand and they give.”

Randy D. Ullery, Indiana Legislative Representative, Local 490

“We talk with every member and explain what the UTU PAC does, show them where their money goes, why it is important to contribute. That goes a long way. Being in a small town helps, but I do not talk about everyone I work with every month. Every member of my local contributes to UTU PAC, and only three are not Gold Club Members. If you take the time to talk to the members, they understand and they give.”

Roger A. Crawford, Tennessee Legislative Representative, Local 339

“I was local legislative representative until I took an eight-year leave to be a supervisor in May 2009. The current legislative representative, Brad Hagel, continues to do a good job. I am amazed how much is at stake. That way you get to work with the member who understand is their UTU PAC contribution, to explain what it is doing for the state and national levels. Nothing beats face-to-face interaction.”

Kamron T. Saunders
Legislative Representative, Local 508

“One of the big things is that all the officers in the local contribute substantially to UTU PAC. That sets an example, and gets more members involved. We also have state and national lawmakers and candidates come to our local meetings and explain the value of their UTU PAC contributions, how they are used to get people elected who support our causes. We hope to show the members what we do with their contributions.”

William D. Balfour
Governor of Pennsylvania
Legislative Representative, Local 17

“Out you explain UTU PAC to a member and they get it, they donate. You have to explain how important it is for us to put our money where our mouth is. Who is going to get the politicians to recognize our problems but nobody is going to bat for us unless it is us. Our money is our voice. The railroads pump a lot of money into the pockets of politicians, but they do not have votes. We do.”

Grady Crippin, Illinois
Legislative Representative, Local 432

“The secret is to get out and inform the members of what the UTU PAC does, show them where their money goes, why it is important to contribute. I make special arrangements to go to every meeting and enlighten our members on the value of the UTU PAC. Once they understand, they begin to donate. If you can get someone on one, then you have. Talk about the UTU PAC, they will support it. Bring the Arkansas state legislative director helps a little bit; I can explain how their contributions help me help them.”

Steven R. Evans
Arkansas Legislative Representative, Local 950

Top Ten UTU PAC Locals

Average contribution per member per month

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Medicare questions? We have answers

Medicare coverage and guidelines can sometimes leave you confused. We realize that it is important for you to know what your benefits are. So below, we have outlined some answers to questions that are frequently asked by Railroad Medicare beneficiaries.

How do I meet my Medicare deductible?

Your 2010 Part B deductible is met with the first $155 worth of allowed charges that are subject to Medicare.

Does Railroad Medicare pay for my hospital charges?

Hospital charges are handled by Part A Medicare. If you have been in the hospital or if you just went to the hospital and received outpatient services, the hospital will bill Part A Medicare for your services. To find out which Part A Medicare office handles your hospital bill, call the hospital that provided your services.

How can I find out which doctors are participating in my area?

Contact Railroad Medicare for a list of participating providers in your area.

How can I get a new Medicare card?

You may contact the Railroad Retirement Board toll-free at (877) 772-5772, to request a new card. You will need to have your Social Security number and your Medicare number ready.

Who do I notify when I change my address?

Notify your Railroad Medicare office and the Railroad Retirement Board.

If I join a HMO plan, can I go back on Medicare?

Yes. Contact your HMO plan and tell them that you want to cancel the policy and go back on Medicare. They will take care of the paperwork for you. If have any problems canceling your HMO plan, you may contact the Railroad Retirement Board.

Does Medicare pay for hearing aids?

Medicare does not pay for hearing aids.

I need transportation to and from the doctor’s office. Does Medicare pay for transportation?

Medicare does not pay for these services.

How do I know whether or not I’m eligible for both Part A and Part B?

The Railroad Retirement Board can give you this information. It can tell you if you are eligible for Part A and Part B Medicare.

Mental health care is available

Mental health conditions, such as depression or anxiety, can come at any age and can happen to anyone. If you think you may have problems that affect your mental health, it is easy to get help. Talk to your doctor or health care provider if you have any of the following symptoms: Sad, empty, or hopeless feelings; a lack of energy; trouble concentrating; difficulty sleeping; little interest in things you used to enjoy, or thoughts of ending your life. Mental health care includes services and programs to help diagnose and treat mental health conditions. These services and programs may be provided in outpatient and inpatient settings. Medicare helps cover outpatient and inpatient mental health care. The original Medicare plan can help cover the following types of outpatient services (deductibles and coinsurance may apply):

• Individual and group psychotherapy with doctors or certain other licensed professionals allowed by the state to give these services;
• Family counseling if the main purpose is to help with your treatment;
• Testing to find out if you are getting the services you need and/or if your current treatment is helping you;
• Psychiatric evaluation;
• Medication management;
• Occupational therapy that is part of your mental health treatment;
• Individual patient training and education about your condition;
• Diagnostic tests.

If you have questions or concerns about your mental health, talk to your doctor or other health care provider.

For more information about Medicare mental health benefits and coverage, you can call Palmetto GBA Railroad Medicare customer service at (800) 833-4655.
Accidental Death and Dismemberment

New UTUIA policy offers guaranteed approval for active transportation employees!

UTUIA’s new Accidental Death and Dismemberment policy includes all the following benefits:

- $180,000 for death caused by common carrier
- $90,000 for death caused by automobile
- $60,000 for accidental death
- $30,000 for dismemberment

- Intensive care confinement benefits of:
  - $60 per day
  - $60 per day for family lodging
  - $30 per day for family meals
- Up to $1,800 for air ambulance
- Up to $300 for surface ambulance

Optional rider for spouse/children

This policy provides benefits for accidents and not sickness.

Some benefits provided to the policy owner are greater than those provided under the optional family rider.

Some benefits may vary by the policyholder’s state of residence.

For more information, complete and mail the coupon at right or call the UTUIA, toll-free, at (800) 558-8842.

Call toll-free:
1-800-558-8842

Information, please

I would like more information on the Accidental Death and Dismemberment plan.

Please print

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<tr>
<th>Full name</th>
<th>Date of birth</th>
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<tr>
<td>Address</td>
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Telephone number with area code

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

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Show your union pride with UTU gear

American Products offers much more UTU apparel and gear. Visit their Web site.

Spring is here and it’s time to spruce up your UTU wardrobe. The items shown here are just a small sample of what American Products has to offer. Visit the UTU Web site at www.utu.org and click on the UTU Gear tile.

American Products is once again offering the UTU flag – great for showing UTU pride in parades or displaying at all of your union functions. The light-weight sideline jacket is great for spring weather or windy, rainy days.

All of the UTU items offered by American Products are union made and/or are made in America. All items carry a 100 percent quality guarantee against defects in materials and workmanship. Volume discounts on customized orders are available to UTU locals and committees. Watches and clocks carry a two-year manufacturer’s warranty against defects.

Apparel prices may vary depending on size. Visit the UTU online store for complete details about prices and available sizes.

All of the featured items can be ordered by credit card directly through the company’s secure Web site, or by calling the company’s toll-free telephone number: (800) 272-5120.

**American Products can customize any product for your individual needs.** Put your own identity on your garments or promotional products: a special T-shirt for your local or great giveaways for state directors. For more information or pricing, contact Sherry Schirripa at the toll-free telephone number above.

UTU members may also download and print a custom order form that can be mailed to UTU Merchandise.com, 1600 North Clinton Ave., Rochester, NY 14621. All orders will be processed within days of receipt.
The Federal Motor Carrier Safety Administration is proposing a new safety rule prohibiting text messaging.

The prohibition on texting would apply to holders of a commercial driver's license (CDL) while driving a commercial motor vehicle, including school buses. Transit workers holding a CDL also would be affected. Violations would result in monetary fines and CDL disqualification.

Additionally, the proposed rule would prohibit companies from requiring employees to text—thus, forcing employees to disobey the regulation.

The proposed new rule would create a uniform federal standard for text-messaging bans.

However, existing state bans would continue to be enforced, provided that they adhere to federal rules. In the absence of a state law, the federal regulation would be the law.

The definition of a text message refers to "manually entering alphanumeric text into, or reading from, an electronic device." This includes e-mail and Internet access.

Texting does NOT include using a cell phone for the purpose of making a phone call or the use of a GPS system. But use of a cell phone for texting is prohibited.

The proposed rule will NOT prohibit or regulate the use of dispatching devices and fleet management systems.

The first and any subsequent violation of the text message ban may include civil penalties up to $2,750 fine; after two violations within a three-year window, a 60-day disqualification would be imposed; and after three or more violations within a three-year window, a 120-day disqualification would be imposed.

A driver's CDL would not be in jeopardy when texting violations occur while operating their private motor vehicle.

An exemption permits texting to reach law enforcement or emergency services.

Also, texting is permitted so long as the driver is parked safely off the side of the road and not driving, even if the engine is running.

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**SMWIA charade unravels**

Continued from page 1

order” that the 2007 merger agreement between the UTU and the SMWIA was “not ratified pursuant to its own terms and that it is therefore terminated and of no force and effect.”

The court was also asked by the UTU to impose financial penalties against the SMWIA for its unlawful “interference with the UTU’s contractual relationships” with carriers and unapproved of its URL, name and logo distributed by the SMWIA.

It was the SMWIA that initially brought an action in the D.C. federal district court in early 2008, asking that the court declare that the 2007 merger agreement was a valid agreement. That court ruled it would hold the SMWIA complaint in abeyance pending an agreement to be reached before a federal district court in Akron, Ohio.

Although the Akron court’s restraining order against the UTU taking further steps to carry out a merger was dismissed on appeal, two of the three appellate judges agreed with the Akron trial court that the UTU’s ratification vote—alleged by the SMWIA to have approved the merger—was legally improper.

In fact, the tentative merger agreement negotiated by former UTU President Paul Thompson and the SMWIA provided that if various conditions were not satisfied, there would be no merger. Among the conditions that had to be satisfied were that a SMART constitution be approved by the UTU membership and certified by the UTU general secretary and treasurer. Neither occurred.

The UTU asks court to penalize SMWIA for unlawful interference with the UTU’s contractual relationships with carriers.

Each should have been revealed to the membership—prior to a ratification vote—through creation of a SMART constitution, but that constitution was never written.

Therefore, the D.C. federal district court is being asked by the UTU to rule that the “merger agreement was never properly ratified and, therefore, by its own terms, the merger agreement is terminated and of no force and effect.”

The UTU is also asking the court:

- That the SMWIA be ordered to cease interfering with the UTU’s collective bargaining responsibilities and dues arrangements with employers.
- That the SMWIA be ordered to cease interfering with all other contractual arrangements between UTU officers or employees and third parties.
- That the SMWIA be ordered to pay the UTU’s reasonable attorneys’ fees and costs.

To stay informed, log on to www.utu.org for the latest developments.

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**Hazard course offered at regional meetings**

UTU members who work around hazardous materials are encouraged to attend an all-day DOT hazardous material awareness course being conducted by the National Labor College (NLC) the day prior to the Phoenix and Asheville regional meetings.

“UTU members will learn more in this workshop than they will in their entire career,” North Carolina State Legislative Director Dickie Westbrook said. “We will condense almost everything from a five-day hazmat course into an eight-hour course.”

Peer trainers certified by the NLC—Westbrook, International Representative for Strategic Planning and CSX District Safety Chairperson Billy Mote, CSX Vice General Chairperson Vonnie West and Local 1896 President and Legislative Representative Charlie Jones—will oversee and direct the training, which will be presented by volunteer NLC/UTU trainers.

They will be assisted by North Carolina Assistant State Legislative Director Glenn Lamm and CSX General Committee Secretary and Local 762 (Montgomery, Ala.) President Dana Dotson.

The all-day courses will be held on Sunday, July 25, in Phoenix, and Sunday, Aug. 22, in Asheville. Both will begin at 8:00 a.m.

As space is limited, early registration is suggested. There is no cost.

To enroll, send your name, local number, e-mail address, and e-mail address, to Hazmat Program, UTU Regional Meeting, 14600 Detroit Ave., Cleveland, OH 44107.

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**The UTU International Staff: Here to Serve You**

**Rick Kusnic**

Rick Kusnic is the director of accounting for UTU, UTUIA and DIPP. He started in 2007 after working at various insurance companies. “We are responsible for providing all financial information to management so they are able to check progress and plan the future course of the union,” Kusnic said. “My responsibilities include payroll, commissions, payables and receivables, taxes, compliance and regulatory filings, banking and the general ledger function. The UTU has been a refreshing change from the normal grind of corporate America in that we can have a family atmosphere in the Accounting Department.”

**Beth Centlivre**

Beth Centlivre is an actuarial supervisor for the UTUIA. A University of Michigan graduate, she started with the UTUIA as an actuary (“someone who deals with the financial impact of risk and uncertainty”) in 1998. “I am in charge of calculating the reserves on life insurance (the amount of money needed to be held to meet financial obligations) and the values of various insurance policies. I also calculate dividends and cash benefits the UTUIA pays policyholders. I enjoy working for UTUIA because I get the best part of both worlds. I get to have a challenging career while working in a family-friendly atmosphere.”

**Lou Pogorelc**

Lou Pogorelec is a senior new systems developer in the union’s Information Technology Department. He started with the union in 2009. “I design and develop new Web-based applications as well as fix bugs in existing applications. These include the iLink system, payroll, annuity, and the UTU Safety Task Force survey. I also make sure we are following industry standards when building our applications and that we are utilizing the most current tools available. I will continue to work on improving the existing applications that we have and also building new systems that will help to streamline the back-office operations at the UTU.”

www.utu.org / www.utuia.org
Regional meetings offer education, fraternalism

The 2010 UTU UTU regional meetings have been designed to provide a grand series of fraternalism, lots of worthwhile education and tons of fun for the whole family. As before, each regional meeting will run for 2 1/2 days, ending early on the afternoon of the third day. The evening of the first day has been set aside so you and your family and friends will be free to explore and enjoy the many offerings of the regional meeting sites. The meeting sites and hotel reservations can be made online by visiting www.utu.org and clicking on the “Meetings” tile in the blue menu bar at the left-hand side of the UTU homepage. All those attending the regional meetings must be registered in order to attend any planned social function. Children ages 11 and under who are pre-registered are complimentary. The registration form is printed on the right. The pre-registration fee for the 2010 regional meetings is $150 per member, spouse or child over age 11. Additional fees apply for the golf outings and spouse tours. You must make your own room reservations, and certain deadlines apply. Tours are booked first come, first served. This $150 registration fee covers all workshop materials; a welcoming reception the night before the meeting; three lunches and one dinner. The workshops and the workshops do not need to pay the registration fee. No one-day registrations are offered.

A completed registration form listing each attendee, regardless of age, and complete payment in U.S. funds must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107, 10 days prior to the scheduled start of the meetings or the registrant will be charged the on-site registration fee of $200.

You may cancel your regional meeting registration 10 days prior to the first day of the meeting or the golf outing without penalty. Please fax any changes or cancellations immediately to the UTU International Headquarters at (216) 208-5755.

PHOENIX, JULY 26-28
ARIZONA BILTMORE RESORT & SPA 2400 E. MISSOURI AVE.
PHOENIX, AZ 85016
WWW.ARIZONABILM ORE.COM
Hotel reservations: (800) 950-0086 toll free; (602) 955-6690 direct; (602) 381-7600 fax
Reservation code: UTU/UTURM
Daily room rate: $120 single/double, plus tax; rates good for three days before and after the meeting, depending upon availability
Reservation deadline: June 23, or until all rooms are held for the UTU are reserved
Parking: Valet park: $13.50 per night; Self: $6
Golf outing: The regional meeting golf outing will be held Sunday, July 25, at the Arizona Biltmore Golf Club. The cost is $80 per golfer, which includes transportation, golf, lunch and more.

ASHEVILLE, N.C., AUG. 23-25
GROVE PARK INN RESORT & SPA 290 MACON AVE.
ASHEVILLE, NC 28804
WWW.GROVEPARKINN.COM
Hotel reservations: (800) 438-5800 toll free; (828) 252-2711 direct; (828) 210-7803 fax
Reservation code: 68NSAM
Daily room rate: $130 single/double, plus tax; rates good for good three days before and after the meeting, depending upon availability
Reservation deadline: July 10, or until all rooms are held for UTU are reserved
Parking: Valet: $25 per day; Self: free
Golf outing: The regional meeting golf outing will be held Sunday, Aug. 22, at The Grove Park Inn Golf Course. The cost is $80 per golfer, which includes transportation, golf, lunch and more.

DISCOUNT AIRFARES, CAR RENTALS
Continental Airlines is offering discounted airfares to UTU members and others attending the Phoenix and Asheville regional meetings. See the “Meetings’’ page of the UTU Web site, www.utu.org, for details.

The UTU also has arranged with Avis Rent-a-Car to offer discounts to UTU members attending the 2010 regional meetings. To reserve a car, contact Avis at 1-800-230-4848 or use UTU’s Worldwide Discount (AWD) number: D150699. Or reserve online at www.avis.com.

TWO SPReading TURS TOURS
The UTU is arranging two different tours of local attractions at both regional meetings. The tours will take place the day before, as well as the first day of, each regional meeting. Events range from $25-$35 per registrant. For example, a spouse, guest or child, $75 per unregistered spouse, guest or child. Check out www.utu.org for complete details.

UTU REGIONAL MEETING REGISTRATION FORM

Registering before the regional meetings speeds sign-in procedures, helps organizers plan more accurately, and saves on meeting costs. Each person attending the regional meeting, including family members and guests, MUST be registered in order to attend any event. Please note that these meetings last 2 1/2 days and conclude on the afternoon of the third day. Registration fees are $150 per person; children 11 years of age and under are complimentary. On-site registration is $200 per person. All fees must be paid in U.S. funds. Canadian funds will be returned, possibly delaying your registration. If you have questions, consult your bank. Registration forms with payment must be received at the UTU International 10 days prior to the start of the meeting for the member/spouse to be considered pre-registered.

Which regional meeting will you be attending? ☐ Phoenix ☐ Asheville

Arrival date: ___________________ Departure date: ___________________

Transportation type: ☐ Automobile ☐ Air ☐ Other

Member registration

Name ___________________________ Local ______ Title (if any) _______________________

Home address ___________________________ ___________________________ 

City/State/ZIP ___________________________ Email __________________________________

Phone number _______ ☐ Day ☐ Evening ☐ Night (include area code)

Meals: Day 1 ☐ Lunch ☐ Dinner ☐ No meal ☐ Other
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ Dinner ☐ No meal

Spouse registration ☐ Phoenix ☐ Asheville

Spouse name ___________________________ Title (if any) _______________________

Meals: Day 1 ☐ Lunch ☐ Dinner ☐ No meal ☐ Other
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ Dinner ☐ No meal

Spouse/guest tour: ☐ Sunday or ☐ Monday ($35 per registered spouse; $75 per unregistered spouse)

Special needs? (Circle appropriate responses): Registrant / spouse / child / guest is: hearing impaired / visually impaired / in wheelchair / other:

Golf registration ☐ Phoenix ☐ Asheville

Name ___________________________ Name ___________________________ Name ___________________________ 

Name ___________________________ Name ___________________________ Name ___________________________

(Golf fees are $80 per golfer; include in total payment. Please provide names of others if foursome.)

Payment options

Check/money order enclosed (U.S. funds only) $ __________

Credit card ☐ VISA ☐ MasterCard

Card number __________________________________________ Exp. date ___________

Total charged $ __________

Signature ___________________________

Should additional space be needed, make copies of this form and attach to the original. This form and payment of $150 per person over the age of 11, plus golf registration fees of $80 per golfer (if applicable) and spouse/guest tour fees (if applicable), must be received at the UTU International Headquarters, 14600 Detroit Ave., Cleveland, OH 44107, 10 days prior to the regional meeting for the member/spouse to be considered pre-registered. Make checks or money orders payable in U.S. funds to “UTU Regional Meeting.” Those who do not pre-register for the regional meeting but choose to register at the meeting site will be charged a $50 penalty fee. Space on the tours is limited; reservations are first-come, first-served.

www.utu.org / www.utuia.org
The UTU Public Relations Department awards UTU gear to the union member who submits the best photograph during the previous months.

This winning photo will be published in the UTU News. Exceptions to this policy may be included on the UTU Web 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, special events, celebrations, activities of your local, or photos of your work and 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, UTU local number, the name of the person(s) in the photo (left to right), where the photo was taken, and all other pertinent information.

All photographs submitted become the property of the UTU.

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

This month’s winning photo:

This photo was taken by Keith A. Weaver, a member of Local 258, Rock Island, Ill. “This picture is of new Iowa Interstate (IATS) ES44AC locomotive #513 on train CBBI-31. The #513 is wearing a special paint scheme honoring the old Chicago, Rock Island & Pacific Railroad (CRI&P). It was taken on Feb. 1, 2010, at Rock Island, Ill.,” Weaver said. The Rock Island Railroad ("a mighty fine line") halted operations 30 years ago, on April 1, 1980.

NMB reduces arbitration backlog

The National Mediation Board (NMB) has made dramatic reductions in the number of backlogged arbitration cases.

Over the past two years, the NMB has cut the case backlog from 5,351 to 791 -- a stunning 86-per-cent reduction. Moreover, the average age of cases on backlog has been reduced by 50 percent.

NMB member Harry Hoglander credited the "cooperative and coordinated efforts" of carriers and labor in reducing the backlog to its "lowest level in more than 20 years."

NMB member Linda Puchala cited "the use of expedited on-line arbitrations and grievance mediation" in reducing the case dockets, giving special credit to general chairpersons for adopting the board's electronic case management system.

Also contributing to the backlog reduction was a special congressional appropriation -- passed with lobbying assistance from carriers and labor organizations -- that funded a full 12 months of arbitration activity, while the NMB imposed a rule mandating awards within six months of each arbitration hearing.

That rule imposes sanctions on neutrals who violate the six-month rule, but Hoglander said "compliance has been good and the vast majority of cases are resolved within the allotted time period."

The NMB acknowledged that there remain 26 UTU cases that have been pending for more than five years, but the average time for all cases -- from initial filing through scheduling and hearing by a neutral, to receipt of the award -- now averages 16 months.

As for the cases not moving that rapidly, the NMB said some elements of handling are beyond the control of the NMB. "For example," said Hoglander, "the parties decide when to move the case from the local property to a board, and the parties decide, with the neutral, when to schedule the hearing of the case.

"The NMB is aware of and respects the fact that the cases belong to the parties and the parties have the right to progress the cases as they see fit, and to choose neutrals who may not be able to schedule cases immediately," Hoglander said.

UTU International President Mike Futhey called the backlog reduction "crucial to fulfilling the objectives of the Railway Labor Act."