State of the union: Continuous improvement

PHOENIX – UTU International President Mike Futhey's state of the union message here July 28 opened with a simple question: “Are things better now than they were three years ago?”

The question was asked of hundreds of attendees at the first of two 2010 regional meetings. The second is scheduled for Aug. 23-25 in Asheville, N.C.

Futhey asked attendees to stand if they had witnessed an improvement in representation, union finances, internal procedures and management transparency since he took office Jan. 1, 2008. Virtually the entire audience stood.

Futhey then presented the following summary of UTU progress over the past three years:

- Union bank balances, after payment of expenses, improved in each successive month (with the exception of two months each year with three staff payrolls) – more than doubling since 2007. General Secretary & Treasurer Kim Thompson was in charge of an internal audit aggressively cutting operating costs; and UTU International officers with having reduced travel expenses through

 coordination of assignments and expanded use of electronic communications. The UTU International’s move to smaller, more efficient head-quarters space, and the addition of modern computers, will further reduce costs, while improving member services.

- UTU Insurance Association reserves stand at $24 million as the UTUJA added poli- cyholders and proved its products to be secure and price competitive.

- Discipline Income Protection Plan (DIPP) reserves now exceed $8 million. Instead of the DIPP facing liquidation as it did three years ago, it now aggressively protects members by paying claims that competing plans frequently disallow.

- Increased research, drawing on senior staff skills in finance and economics, made the UTU a more formidable presence at the bargaining table. “More in-depth research into carrier finances provides credible justification for our Section 6 notices,” Futhey said.

- The workload of local treasurers has been cut substantially through application of Win- stabs and the UTU International’s direct receipt of dues. Treasurers acknowledge that what previ- ously took five hours to accomplish now is accomplished in one hour.

- Organizing the unorganized brought hun- dreds of workers in the airline, bus, rail and trans- mit industries into the UTU.

- The UTU succeeded in having a bus portfolio – aimed at lobbying Congress and regulatory agencies on bus safety and driver training – added to the responsibilities of the AFL-CIO Transportation Trades Department in Washington.

- Not only does the UTU have a diversity program; but diversity was applied within the UTU so that every voice within the organization is heard and respected.

- An expanded get-out-the-vote drive, using modern communication tools, is helping elect candidates to state legislatures and Congress who understand the needs of working families. Those News and Notes

Contract talks continue

National rail contract talks are continuing between the UTU and the National Carriers Conference Committee (NCCC). The NCCC represents BNSF, CSX, Kansas City Southern, Norfolk Southern, Union Pacific and numerous smaller carriers.

The next bargaining session is scheduled for September. The existing agreement, covering some 40,000 UTU members, remains in force until amendments are concluded under provisions of the Railway Labor Act.

To stay informed, visit www.utu.org.

Amtrak extends president

The contract of Amtrak President Joseph Boardman has been extended through 2013 by the Amtrak board. Formerly federal rail- road administrator, he was elected “interim” Amtrak president in November 2008.

Amtrak Board Chairman Tom Carger said, “Joe has been a strong and visible leader ded- icated to providing Amtrak the vision and sta- bility the railroad so badly needs and to guide the railroad into this new era of passenger rail.”

At the FRA, Boardman won praise for his commitment to rail safety. He implemented more stringent illness- and injury-reporting requirements for carriers; and created a risk- reduction program to de-emphasize aggres- sive carrier discipline in favor of cooperation and education.

Treasurers’ workshop set

The UTU International is conducting a treasurer’s workshop and Norfolk Southern direct- reception workshop this year at various cities, Sept. 7-23 in North Olmsted, Ohio.

Treasurers of NS locals just beginning direct receipts are encouraged to attend.

For information, call (216) 228-9400, or e- mail n_miller@utu.org. Registration deadline is Sept. 1.

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Four members killed in separate incidents

Four UTU members died in the line of duty over a five-week period between June 10 and July 13.

Six UTU members have now died in the line of duty in 2010. Eight UTU members were killed in the line of duty during calendar year 2009.

The fallen members include:

- Marshall W. Conner, 54, a member of Local 610, who died after being struck by a train travel- ing a parallel track June 10 while he was con- ducting an air brake test at a CSX yard north of Richmond, Va.
- Jeff Scholl, 38, a member of Local 367, who died June 15 after a Nebraska Central bridge collapsed near Sari’s Lake in Norfolk, Neb.
- Frederick Gibbs, 52, a member of Local 598, who was shot to death June 20 in a CSX locomotive in New Orleans during a botched robbery attempt.
- Kurt Ward, 35, a member of Local 587, who died July 11 when caught under a Pan Am Southern freight car in East Deerfield, Mass., as he and others attempted to uncouple it from an engine.

The railroad workplace is unforgiving. Acci- dents too often result in career-ending injuries or loss of life.

In addition to the UTU’s efforts before Con- gress, state legislatures and regulatory agencies – as well as at the negotiating table – to improve workplace safety, the UTU has three highly trained teams that study workplace safety and make recommendations for improvements.

They are the Switching Operations Facilities Analysis (SOFIA) working group, the UTU Transportation Safety Team, and the UTU Rail Safety Task Force.

To learn more about UTU efforts to improve workplace safety, go to www.utu.org and click on the "Transportation Safety" link in the blue tile area at the left of the home page.

*Let the message go forth that if anybody tries to tread on us, they will be beneath our feet.*

– President Mike Futhey

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Local 202, Denver, Colo.

Members of this local approved a motion to continue the more than one-year-long practice of providing monthly $50 food gift cards to furloughed members, through the end of this year. Local Secretary Rick Johnson reports, “With the slowness of the economic recovery in the rail industry, we will be there to provide a little help to our UTU families in need,” Johnson said. “This recession affects all working families. If you don’t have a job, then it’s a true depression. A little help goes a long way.”

Local 240, Los Angeles, Calif.

Conductor James R. Green Jr. retired after 46 years, one month and 10 days of service with former Southern Pacific and current Union Pacific Railroad on June 1, Local Chairperson Harry J. Garvin Jr. reports. “From all the members and officers of Locals 240, 1336, and 1486, we wish him many long years and good health on his retirement (high ball),” Garvin said. Also, UP conductor Gilbert E. Sanchez and Richard E. Mallory retired Aug. 2 and 3, after 39 and 38 years of service, respectively. Garvin also noted the death of retired conductor Melvin W. Barton, who died July 2. He is survived by his wife, Mary, and daughter, Denise.

Local 330, Poplar Bluff, Mo.

The members of this UP local presented an inscribed plaque and brass lantern to retired Brother Keith Barmann at the local’s annual fish fry in May, Local Chair person Michael D. Miller reported. Barmann had served as local secretary & treasurer since 1978. “This is a small token of our appreciation for his dedication to Local 330 and the UTU.”

Brother Barmann has been a completely dedicated and selfless officer for Local 330 and will be greatly missed,” Miller said. Kelley L. Swan is taking over the reins as secretary & treasurer for the local.

Local 378, Cleveland, Ohio

Local Chairperson James Biller reports that former Local Chairperson Earl O’Brien (L-1638) died June 5 at the Hospice of the Western Reserve. O’Brien, 51, served as Chairperson of L-1638 until the two Cleveland locals merged last August, Biller said. “I’ve been an instructor at the Collinwood Yard conductor’s school here and was a friend to all. He will be missed,” Biller said.

O’Brien is survived by his wife, Mary Ann, and children Molly and Sam. On the merger, Biller noted, “was my idea. We merged to better serve our membership by reducing costs and increasing participation at local meetings.”

Local 477, Newton, Kan.

Samantha Kvas, the daughter of Local Secretary & Treasurer Brian Stephens, graduated as an “honors graduate” from Air National Guard training in San Antonio, Texas, on May 28. Sixty-nine cadets were chosen out of 704 graduates to receive the honor, Stephens said. He also noted that the month before his daughter left for National Guard training, she passed her state nursing exam.

Local 490, Princeton, Ind.

Local Chairperson Brett A. French, 50, died July 4, following Local Chairperson Schuyler Smith reports. He is survived by his wife, Jack, and daughter, Michelle. Smith also noted the death of Virginia Hensler, the wife of retired State Legislative Director Tom Hensler.

A member of the UTU Auxiliary, she died June 4 at the age of 63.

Local 915, Handley, W. Va.

Local Chairperson Travis Raynes informed UTU News that the members of this CSS local will be holding their first member appreciation dinner at 7 p.m. Sept. 8 at the Golden Corral Buffet & Grill in Cross Lanes. Seven retirees will be recognized and door prizes will also be presented. The dinner is free of charge and all members, past and present, along with their spouses, are welcome to attend.

Local 982, Rochester, N.Y.

A clambake and family picnic for members of this local will be held from 1 to 5 p.m. on Labor Day (Sept. 6) at The Spinning Wheel in North Syracuse, Local Chairperson David Murphy reports. Tickets are $25 per person for UTU members and $35 for non-members. Children 12 and under are free of charge. The day will feature a variety of games, prizes and drawings, as well as all-day use of the family entertainment center. The menu is too large to be reprinted here. Tickets are available from Rick Roden, Tim Brown, Kim O. Woods, Mike Hoey, Dennis Powell or Jason Davis.

Local 1200, Portola, Calif.

Members here are mourning the death of retired member Michael P. Novi, who died in March, Nevada State Legislative Director Rod Nelson reports. UTU International’s annual golf tournament was held in his honor in June at the Winnemucca Municipal Golf Course.

Local 1202, Fort Wayne, Ind.

The second annual hog roast for members of the Norfolk Southern local will be held from noon on Oct. 4 until noon on Oct. 5 at Mower Park, 601 W. Main in New Haven, Local President Frank Doster said. The local hopes to have UTU International officers and GO 687 officers in attendance. “We are going to have cornhole games and a lot of other fun activities going on as well,” Doster said.

Local 1962, Toledo, Ohio

Member Dwight Bohanon, his wife Michelle, and sons Lucas (7) and Landon (15 m.) recently lost their home and nearly all of their possessions due to a house fire. Michigan State Legislative Director Jerry G第一名的other-October 6, 2010 reports, “Although everyone escaped without injury, this young family faces hardship for the next few months while their life is rebuilt and items replaced piece by piece,” Gibbons said. The family appreciated the outpouring of support from all over the country for seven months or more. Send donations to the Bohanon Family, 4947 West Hill Rd., Swartz Creek, MI 48473. For additional information, contact Legislative Rep. Fred Beidler at (810) 531-0135 or fred1200@comcast.net.

Local 1732, San Jose, Calif.

Amtrak conductor Steve Ceccoli, for right, 맞는 Operation Lifesaver booth at the Martinez, Calif., Amtrak station May 20, National Train Day. The March 2010 UTU News noted that Ceccoli was wounded in an incident in February after confronting an inebriated passenger. Local Chairperson Ray Bellomo said, “Ceccoli is back at work for someone new is doing well and he has our best wishes.”
The cameras were installed to monitor train crews after the National Transportation Safety Board found that an employee was texting and using a cell phone contributed to the deadly 2008 Chatsworth, Calif., disaster.

The FRA’s assistant chief counsel for safety, Matthew H. Tessler, said that Metrolink’s, a Los Angeles railroad operator, such cameras are not “safety devices” as defined by FRA regulations. FRA regulations “prohibit the disabling of safety devices located in the cabs of locomotives,” Tessler said. Such FRA-defined safety devices include alerters, dead man controls and various cab signal systems, he said.

“Although equipment to record data is mentioned,” Tessler said, “no rules exist for Metrolink’s cameras that record video of locomotive operations are not covered by FRA safety regulations.

Specifically excluded from the definition are “locomotive performance-monitoring devices, unless they record data such as train speed and air brake operations,” Tessler said.

“Inward-facing locomotive video camera recorders,” he said, “fall into this category, as they are monitoring conditions of the equipment itself, and not a type of data listed. Further, video recorders are not safety-critical devices that have an immediate impact on the safe operation of trains, such as the alerters and signal alaramers. The required functions are to ensure railroad employees appropriately respond to more restrictive signal indications, are not incapacitated and are alert to changing operating conditions.”

However, Tessler added that the cameras can be a valuable tool in conducting post-accident investigations. As such, FRA has instituted a regulation found at 49 CFR Section 229.135(e), which by its terms would apply to in-cab video cameras.

That section addresses procedures for the preservation of accident data captured on event records and any other locomotive-mounted recording device or devices designed to record information concerning the functioning of a locomotive or train,” he said.

**CSX members ratify pact**

DUU members represented by CSX General Committee 201 (former Chesapeake & Ohio) have ratified a five-year wage, rules and working conditions agreement.

The same agreement previously was ratified by members of General Committee 851 (former Seaboard Coast Line). It also was ratified by all crafts of General Committee 523 (former Atlanta & West Point) following a revote owing to a tie ballot among the trainmen craft.

The agreement previously was rejected by all crafts of General Committee 513 (former Louisville & Nashville, and Nashville, Chattanooga & St. Louis). The agreement – dealing specifically with issue and circumstances unique to CSX southern lines – was negotiated outside national handling, with approval of the UTU Association of General Chairpersons, District 1, and the National Carriers’ Conference Committee.

GOO 201 General Chairperson Jim Townsend said the tentative agreement was sent out for a second vote because of mail delivery problems and miscommunication regarding balloting procedures involving the first vote.

In that first vote, the conductor craft rejected the tentative agreement, although it was approved by all other crafts. Townsend said that following the first vote, he began receiving “numerous” telephone calls from local officers and members alerting him of a mail delivery problem and miscommunication among some members regarding balloting procedures.

Where just a small percentage of conductors and other craft members returned ballots on the first vote (owing to the delivery and miscommunication problems), some 70 percent of GOO 201 members voted on the second ballot, which was approved by 61 percent of those voting, and by all crafts under the UTU Constitution’s craft autonomy provisions.

“I’m proud of my local officers and members for making their voices heard,” Townsend said. “This reinforces the privilege and honor I have representing these members.”

Townsend singled out for praise four of his local officers for efforts in encouraging members, among second vote, received and cast ballots and fully understood voting procedures. They are Local 915 in Hambly, Va., where 81 percent of members cast ballots; Local 118 in Hinton, W. Va., where 75 percent of members cast ballots; Local 662 in Richmond, Va., where 71 percent of members cast ballots; and Local 630 in Ashland, Ky., where 70 percent of members cast ballots.

**Eddie Washington, Ill. lawmaker, dies**

Illinois State Rep. Eddie Washington, a former Metra trainman and the only UTU member in the Illinois General Assembly, has died of a heart attack. He was 56.

A member of Local 1288 in Elgin, Washington was known for his dedication to unionism and tenacity in helping his fellow workers.

Illinois State Legislative Directors Robert Guy said Washington “was a major factor in the passage of all of the UTU’s workplace safety and health-care legislation that passed during his terms in office.”

“Protecting the powerless against the powerful was always right in Eddie’s strike zone,” Guy said. “He was highly effective in reaching out to his fellow legislators to help us secure passage of the Safe Walkways Act, the Contract Carrier Safety Act and the ‘Let’s Move’ Medical Treatment Act. He was a railroader and a union man, but he knew how to relate the dangers of railroad work to the average citizen.

Washington devised a stratagem to rescue the safe walkways bill during the 2004 legislative session. The walkways bill had been inserted in another bill enroute to bickering. Washington had the same language inserted in a “shell bill” and followed up with vigorous lobbying. The measure passed 117-0.

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DOT sec. names UTU’s Bates to transit panel

Willie Bates, an Amtrak conductor (Local 1933, the UTU’s District of Columbia legislative director, has been named by the Obama administration to an Ad Hoc Transit Rail Advisory Committee for Safety (TRACS). Transportation Secretary Ray LaHood made the announcement June 23.

The 20-member panel, LaHood said, “will assist the Federal Railroad Administration (FRA) with laying the groundwork for drafting national safety measures for rail transit.”

“We have brought together some of the best and brightest minds in the transit industry to focus on new and better ways to keep millions of daily rail transit riders safe,” LaHood said. “These professionals will help guide our safety agenda for rail transit systems across the nation.”

FRA Administrator Peter Rogoff said, “While public transit is one of the safest ways to get around, we still experience preventable accidents – including fatal accidents – far too frequently. We must take measures to ensure that safety margins are maintained as our systems grow older and experienced workers retire in increasing numbers.”

Bates and the 19 other panel members were selected from among 79 applicants from all geographic regions in the U.S., representing state and local transit agencies, state safety oversight organizations, transit employee unions, industry associations and other stakeholders.

Qualifications sought for TRACS members included expertise in the field of safety or rail transit operations or maintenance, and representation of stakeholder interests that would be affected by rail transit safety requirements. Applicants were also evaluated based on policy experience, leadership and organization skills and region of the country.

Bates is a conductor on Amtrak’s Richmond, Va./Washington route, and is the first African-American to have been elected a UTU state legislative director. The 14-year history of the UTU and its predecessor unions.

In 1992, Bates was elected president of Local 1933, and vice local chairperson in 2000. He began his rail career in 1981 as a conductor on Richmond, Fredericksburg & Potomac Railroad (now part of CSX), and in 1986 he moved to Amtrak.

**New law requires SSNs of dependents**

The Railroad Employees National Health and Welfare Plan and the National Railway Carriers’ and UTU Health and Welfare Plan are working to collect dependent Social Security numbers to comply with new federal laws.

Federal law now requires the reporting of Social Security numbers (SSN) of covered dependents to the Centers for Medicare & Medicaid Services.

If you have received a notice from Railroad Enrollment Services, please provide the SSN and/or HICN for any dependent who is listed as missing this information as soon as possible.

In addition, if a covered dependent is eligible for Medicare, then the Medicare Health Insurance Claim Number (HICN) is also required to be reported.

In order to comply with these reporting requirements, Railroad Enrollment Services has mailed a reminder notice to those members identified with missing dependent Social Security numbers (SSNs) and HICNs.

If you have questions or need another copy of the notification sent to you, call Railroad Enrollment Services at (800) 753-6992.

www.utu.org / www.utuia.org
Younger members are our future

For more than 40 years, the UTU has been instrumental in improving job security, wages, benefits and working conditions. To achieve that success, the UTU has always relied on the membership to step forward to rebuild elected officers’ ranks — from the local through the UTU International President.

Every aspect of our society—from neighborhood associations, local school boards, Congress and the White House — relies on the same process to ensure our society continues to thrive, grow and be successful. We can neither forget this nor let “the rebuild from within” concept die, or we will lose control of our futures.

Our moral obligation is to identify and mentor talented younger members for local office

White House — relies on the same process to ensure our society continues to thrive, grow and be successful. We can neither forget this nor let “the rebuild from within” concept die, or we will lose control of our futures.

Dwight Eisenhower — Kennedy noted, “The torch has been passed to a new generation.” JFK and his new generation of leaders were prepared to lead because of mentoring they received early in their careers.

A survey of members by the UTU’s Rail Safety Task Force revealed that more than 50 percent of train, engine and yard workers cite supervisor harassment and excessive operational testing as distractions, which lessen their situational awareness and place them in harm’s way.

Said one member responding to the survey, “An alarming number of workers are in fear of losing their jobs. Harassment is now the number one concern in the discharge of duty.”

Income assistance is available to all UTU members, in all crafts, having to weather such events.

The UTU’s Discipline Income Protection Program (DIPP) is a vital benefit only available to UTU members to supplement lost income when suspended or dismissed from employment.

DIPP protects you from loss of income

We are all familiar with employers imposing unwarranted discipline and even dismissal on employees. A survey of members by the UTU’s Rail Safety Task Force revealed that more than 50 percent of train, engine and yard workers cite supervisor harassment and excessive operational testing as distractions, which lessen their situational awareness and place them in harm’s way.

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For a reasonable premium, UTU members may enroll for a daily benefit amount ranging from $6 to $20 per day, not to exceed their normal average daily rate of earnings.

Since 2005, the UTU’s DIPP has paid more than $64.3 million in benefits to members, dwarving its nearest competitors in terms of benefits paid to UTU members. The UTU DIPP is by far the largest and most effective protective plan providing such benefits.

From January 2009 through July 2010, more than $16 million in benefits has been paid. Additionally, the UTU DIPP pays out more than 93 percent of premiums in benefits, with the balance paying administrative costs and building additional reserves.

The UTU DIPP is the only program of its kind that is regulated by the Department of Labor, publishes financial statements, holds its funds in trust, and is audited annually by a public accounting firm. The UTU DIPP is audited by the public accounting firm of Corrigan Krase.

Not only is there security in having income replacement available, but there is security in knowing that funds will be available when needed. The UTU prides itself in paying such claims. As with any federally regulated plan — the UTU DIPP is regulated under the Employee Retirement Income Security Act (ERISA) — the UTU DIPP is bound by strict guidelines.

The UTU mast and does review the particular facts in each incident to ensure payment in every case possible. Questioned cases may also be submitted to committee review. As for benefit exceptions, a general rule of thumb is, “if you have no control over the event, the UTU DIPP will pay.”

For peace of mind in the event your fall victim to unwarranted loss of income through employer discipline, every UTU member is advised to strongly consider participation in the UTU DIPP.

For additional information on the UTU DIPP, you may contact your field supervisor, local insurance representative or e-mail dipp@utu.org.

Each of our UTU International officers can name a mentor who helped bring them along

Each of today’s UTU leaders has a moral obligation to identify and mentor talented younger members, beginning by assisting them in running for local office.

Not all will be successful. But this is the process by which we identify those who, in the future, will lead general committees, state legislative boards and the UTU International.

I’m not suggesting older leaders head for the exits. I’m among the oldest, and I assure you I have no intention of departing anytime soon.

But depart I will at some date, and my duty — and the duty of our other higher-ranking UTU officers — is to ensure our society continues to thrive, grow and be successful.

The future of the UTU depends on it.

www.utu.org / www.utuia.org
State Watch

News from UTU State Legislative Boards

Delaware

John Carney, Democratic candidate for the state’s lone seat in the U.S. House, recently attended a meeting of Local 1378, Wilmington, to talk with members and learn of their concerns. State Legislative Director Bill Stoner reported, “In the photo above, left to right, are Vice Local Chairperson Lou Goldblatt, Carney (holding a UTU PAC shot), Terry Tasker: Local Chairperson Dennis Lafertey, Stone: Phil Decony, President J.J. Mallow, Vice President Mike Shaffer and Secretary-Treasurer Sal Bartolotta.

Georgia

State Legislative Director Howell Keown was recently invited to the dedication of an intersection in Pickens County for a fallen soldier who gave his all for his country.

“Sgt. David S. Collins, 24, of Jasper, Ga., died when an improvised explosive device detonated near his vehicle. He died on April 9, 2006,” Keown said. “The intersection is now marked with signs in honor of Sgt. Collins.”

“I was given the honor and pleasure of being asked to sing the National Anthem during the memorial. I hope that you take the opportunity whenever it is given, in whatever form, to thank those who serve and those who have served our country. I truly appreciate having had that opportunity being given to me.”

Keown was recently elected as a delegate for the third-largest delegation in the state, to the Democratic Party convention to be held in Athens in August.

Bus Department

By Vic Baffoni, vice president / director

LACMTA talks continue; two grievances won

Contract talks on the Los Angeles County Metropolitan Transportation Authority (LACMTA) – including UTU’s largest bus committee – are proceeding in a very slow and arduous fashion owing to state wide financial problems in California and the overall sluggish economic climate nationwide.

We expect these negotiations to be long and drawn out. Among our primary objectives in these arduous negotiations is to protect our work rules and benefits, which LACMTA negotiators are targeting. These rules and benefits were achieved through hard-earned efforts that included strikes and hard bargaining in past negotiations and we will forever continue fighting hard at the negotiating table to retain them.

In Upper Darby, Pa., we won a difficult grievance on behalf of member Kyra Naylor, Local 172, who had been terminated for alleged insubordination and was out of work for four months. Through mediation, Sitter Naylor was re-instated and awarded back pay for all but 10 days of her suspension.

We were successful in another difficult grievance in Local 172 in Upper Darby, on behalf of Chairperson Teresa Costantini, who had been terminat- ed by First Student over a work-related injury that made her unavailable for work. An arbitrator re-instated Sister Costantini and delayed further action until September, at which time she may request up to one year additional time off toward rehabilitation of her injuries.

Kathy Sitongia and Denise Hall, both of Local 172, and Bus Department Alternate Vice President Calvin Stavridian provided substantial assistance in these grievance cases.

Death, dismemberment stalk rail workers in the summer

During the summer months, rail workers in switching operations face a higher likelihood of serious and fatal injury.

Fifty railroaders have lost their lives in switching accidents during June, July and August since such data collection began in 1992. The number of career ending injuries during these months is considerably higher.

By following the lifesaving tips of the Switching Operations Fatalities Analysis (SOFA) working group — comprised of FRA, union and carrier representatives — rail employees engaged in switching operations stand a far higher probability of returning home safely to their families. The SOFA group warns rail workers to be alert to the following special switching hazards that can take limbs and lives:

Close clearances; shoving movements; unsecured cars; free-rolling rail cars; exposure to mainline trains; tripping, slipping or falling; unexpected movement of cars; adverse environmental conditions; equipment defects; motor vehicles or loading devices; drugs and alcohol.

The SOFA group also offers five life-saving tips:

• Secure equipment before action is taken;
• Protect against moving equipment;
• Discuss safety at the beginning of the job and when the work changes;
• Communicate before action is taken;
• Coach less experienced employees to perform service safely.

Two of the SOFA life-saving tips are particularly significant in pre- venting fatalities: safety briefings before switching operations begin, or when the nature of work changes; and the mentoring of less-experienced employees.

Situational awareness is crucial to staying safe — and is the best insurance of a summer season worth remembering.

www.utu.org / www.utui.org
Regional meetings more than just entertainment

Local 267 (Los Angeles) Chairperson Harry Aaron Jr. donned one of the new UTU-logoed polo shirts being offered by American Products at the Phoenix regional meeting.

The “No Rules” workshop, presented by Designated Legal Counsel Steve Young and Dr. Francis X. Quinn, proved to be a regional meeting favorite once again.

Local Secretary & Treasurer Hass/Camilleri (L-489, San Antonio), left, and Vice Local Chairman Gabriel Harvey (L-756, San Antonio) prepare for the “Plant of Bobs” workshop on Wednesday, July 28. The workshop is designed to educate local union officers on their responsibilities.

UTU International Auditor Mike Araujo, second from left, explains some of the features of the Winstabs bookkeeping program to Local Secretary & Treasurer Larry Thompson (L-446, Cheyenne, Wyo.) and Sarah Landstrom.

Assistant President Amy Marinic, center, meets with UTU/UTUIA Field Supervisors Joe Solito, left, and David Landstrom following President Futhey’s state of the union address.

Members of the local planning committee who assisted UTU International headquarters staff at the Phoenix regional meeting were, from left, Local Legislative Rep. Robert Rodriguez (L-1943, El Monte), Calif.; Alternate State Legislative Director Greg Haynes, Local Legislative Rep. Carmen J. Blauode (L-1629, Phoenix); Alternate Arizona State Legislative Director David Shearer and Local Legislative Rep. Mark Merphee (L-111, Window, Ariz.).

In welcoming messages to attendees, Futhey and Assistant President Joe Solito urged elected officers at all levels of the organization to “encourage and mentor tomorrow’s UTU leaders.”

Regional meetings offer much more than just entertainment. Workshops at the Phoenix regional meeting included education and training on the National Labor College, whistleblower protections, conductor certification, the National Labor Relations Act, the Railway Labor Act and workplace diversity.

The workshops also offer sessions dedicated to the union’s bus members, as well as training sessions for local treasurers.

UTU/UTUIA Volunteer of the Year James Grad, left, was presented with a plaque and $1,000 U.S. savings bond at the Phoenix regional meeting. Pictured with Grad, from left, are Local 117 (Vancouver, Wash.) Chairperson Steve Reveley, who nominated Grad for the award, and Grad’s plaque and $1,000 U.S. savings bond at the Phoenix regional meeting.

Assistant President Andy Marinic, center, marks with UTU/UTUIA Field Supervisors Joe Solito, left, and David Landstrom following President Futhey’s state of the union address.

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UTU members who have not had the opportunity to attend regional meetings, whose focus is on education and leadership skills, should consider attending the 2011 regional meetings set for San Antonio and New York City.

Sponsors and family of UTU members were invited to a continental breakfast and presentation offered by the Auxiliary of the UTU.

Assistant President Andy Marinic, center, marks with UTU/UTUIA Field Supervisors Joe Solito, left, and David Landstrom following President Futhey’s state of the union address.

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John Rudder, an Alumni Association member and retiree from Local 656, North Little Rock, Ark., “stays out of trouble” (as he puts it) by working as a firefighter in the rural town of Oak Grove, Ark.

Rudder, 67, who retired from Union Pacific in 2002, used to work as a conductor, working from Pine Bluff to North Little Rock.

Now, he works five days a week extinguishing fires, assisting paramedics and helping others stay out of trouble.

He has worked as a volunteer firefighter since 1965, but took up the job full time after retirement eight years ago.

Most members eligible for death benefit

If you retired from railroad service on or after April 1, 1967, you may be eligible for a $2,000 retiree life insurance benefit.

Benefits are administered by MetLife for all retirees from railroads participating in the National Railway Conferences/UTU Health & Welfare Plan and the Railroad Employees’ National Health and Welfare Plan (formerly GA-23000).

To file a claim, or to obtain a change-of-beneficiary card, call the following toll-free number:

MetLife (800) 310-7770

Retirees are urged to keep this notice with their other important documents and to keep the designated beneficiary up to date.

When filing a claim, it will be very helpful to know the date the employee last worked, the name of the employing railroad, and the employee’s Social Security number. These items will assist in the prompt processing of claims.

The UTU is offering members of its Alumni Association a holiday tour they will not soon forget: the newly renovated Gaylord Opryland hotel and convention center, plus the Grand Ole Opry theater, in Nashville, Tenn.

The “Country Christmas” tour will take place Tuesday, Dec. 7, through Friday, Dec. 10, at the Gaylord Opryland resort.

The tour includes three nights at the Gaylord Opryland Hotel; tickets to “The Radio City Christmas Spectacular, starring the world-famous Rockettes;” tickets to Louise Mandrell’s special dinner show; tickets to “ICE: Nashville’s Winter Wonderland;” the “Treasure for the Holidays” cruise show featuring a variety of handmade and novelty gifts; the “Hall of Trees” holiday-tree display; a coupon book good for discounts throughout the resort; luggage handling, taxes and resort fees.

The cost of the tour, arranged through the UTU Alumni Association’s designated travel professionals, Landfall Travel, is $495 per person double occupancy; $415 per person triple; $375 per person quad, and $275 per single.

A parking is an additional $18 per day, if required.

“Once time we had an 18-wheel gasoline tanker turn over on I-40 and catch fire.

“We just stood back and watched it burn until all the fuel was gone. Man, that was hot.

“I will do this until they run me off,” he said. “I have to take classes all the time to stay up-to-date, but I enjoy it.

“It is something I like to do; I get a kick out of it and it helps the community. And, I get to work with some really great kids and show them a thing or two.”

T H E F I N A L C A L L

The UTU Alumni Association is pleased to bring the following information to members:

- The UTU offers holiday tour of Opryland
- Most members eligible for death benefit
- The Final Call

www.utu.org / www.utuia.org
Transfer your existing IRA to the UTUA and relax: your investment is in good hands

Members who can count on a pension program, as well as Railroad Retirement, Social Security, and other similar benefit programs, are two-thirds of the way to financial security. To complete the picture, experts agree some kind of investment income is needed.

The UTUA Insurance Association (UTUA) provides members and their families with three great options specifically designed with retirement in mind. “All three products have a guaranteed minimum interest rate, unlike the stock market, ensures that your investment will never decrease in value!” said UTUA Director of Insurance Tony Martin.

These three products (currently yielding 4.00%!) include the Roth and Traditional IRA, and a Flexible Premium Annuity. Interest earned is tax-deferred until such time as you start making withdrawals, which enhances growth potential. Providing certain conditions are met, interest earned in a Roth IRA will be tax free upon withdrawal.

Transferring an existing IRA to the UTUA is simple. Simply call the UTUA at (800) 558-8842 and we will get you started.

Requesting a quote, the UTUA is dedicated to serving union members and their families. Unlike other insurance companies, UTUA does not engage in anti-union activity. When you call the UTUA, you get a real person on the telephone, not a computer.

For more information, complete and mail the coupon at right or call the UTUA, toll-free, at (800) 558-8842, or log onto www.utua.org.

www.utua.org / www.utua.org

Percentage of chargeable fees determined by neutral review for calendar year 2009

UTU International

84.4%  
Gains committees of adjustment, including locals under jurisdiction

GO 001 BNSF Railway

100.0%  
GO 049 CSX/B&M

98.8%  
GO 769 Conrail

99.8%  
GO 851 Florida East Coast

99.2%  
GO 953 Union Pacific-Eastern

98.5%  
State legislative boards

Ohio

77.8%  
Michigan

78.9%  
New Jersey

71.3%  
New York

87.2%  
Utah

87.2%  

1 Unreviewed general committees will have the historical average of chargeable percentages of audited general committees, which is 65 percent, applied to any new objects.

2 Unreviewed state legislative boards will have a 0 percent chargeable percentage applied to new objects.

3 Estimated, final rates forthcoming.

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

Information, please

I would like more information on UTUA’s annuities.

Please print

Full name

Date of birth

UTUA local number

Address

City

State

ZIP

Telephone number with area code

Sex

Male

Female

Complete and mail to: UTUA, 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5331

www.utua.org / www.utua.org

7. After the close of the appeals period, the International General Secretary & Treasurer shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an arbitrator from a special panel maintained by the AAA for the purpose of these arbitrations. The AAA shall inform the International General Secretary & Treasurer and the appellant(s) of the arbitrator selected.

8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration.

9. Each party to the arbitration shall bear its own costs. The appellants shall have the option of paying a pro rata ratio of the arbitrator’s fees and expenses. The balance of such fees and expenses shall be paid by the UTUA.

10. A court reporter shall make a transcript of all proceedings. Such transcript shall be the official record of the proceedings and may be purchased by the appellants. If appellants do not purchase an original copy of the transcript, a copy of the transcript may be available for inspection at the International during normal business hours.

11. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to submit written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the hearing becomes available, but in no case more than thirty (30) days after the hearing closes.

12. Florida (14) days prior to the date of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. Written objections to the list of exhibits, summaries thereof, and the list of witnesses shall be filed with the arbitrator prior to the first hearing.

13. The International shall have the burden of establishing that the reduced fees set forth in the neutral report’s recommendation are lawful.

14. If the arbitrator shall determine that more than one day of hearings is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes.

15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objects may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.

16. If an object receiving an advance reduction wishes to continue the 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.

17. Each month thereafter for all objects, 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 the neutral referee may recommend. All objects from the previous year shall be paid the amount of nonchargeable money that is in the escrow account as determined by the neutral referee’s report as soon as practicable after its issuance. The appropriate unit of UTUA shall not, however, take its portion of the monies in the escrow account until fifteen (15) days after the conclusion of the period within which an object may appeal the report of the neutral referee, or upon the issuance of the decision of the arbitrator, whichever is later.

18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decision.

19. All expense and hearing fees shall be chargeable to the appellant unless the arbitrator另有指示.

1. Any person covered by a UTUA union shop or an agency shop agreement making withdrawals, who under a non-chargeable agreement has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Any non-member who objects shall not be dismissed.

2. To the extent permitted by law, a non-member cannot participate in the election of such a committee, or attend or in any other manner participate in the process by which an expenditure is made.

3. The objective of non-members shall not be to be considered as a part of the expenditure group.

4. The objective of non-members shall not be to be considered in the determination of non-member contributions by the Board of Directors of the institution by first-class mail postmarked during the month of September following the date of the first hearing (30 days after the hearing becomes available) and receives notice of these procedures. The objection shall contain the name of the objector and the amount of the objection. The objector shall stand until revoked. Objections may be made by both general and specific classes.

5. The following categories of expenditures are chargeable:

A. All expenditures for the purposes of making agreements, practices and working conditions.

B. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all articles related to arbitration, and for the purpose of this section.

C. Convertion incentives and other union internal governance and management expenses.

D. Social activities and union business meeting expenses.

E. All donations to the public are considered to be chargeable to charitable organizations.

F. Expenditures related to collective bargaining, contract administration, and for the purpose of this section.

G. All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities.

H. All travel fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, information picketing etc., that benefit members of the bargaining unit or contract

I. All expenses for the purpose of economic action and for the offense report.

J. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.

K. All public interest and for the offense report, the interest and for the offended public and for the cost of the objective.

L. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.

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P. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.

Q. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.

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S. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.

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V. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.

W. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.

X. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.

Y. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.

Z. All interest and for the offense report, the interest and for the offended public and for the cost of the objective.
WASHINGTON — A federal district court, in a bench decision Friday, June 25, upheld a National Mediation Board ruling making it easier for railroad and airline unions, covered by the Railway Labor Act, to win representation elections. U.S. District Judge Paul Friedman turned away an appeal of that ruling by the Air Transport Association, which sought an injunction against the ruling.

The NMB ruling, upheld by the court, reverses a 75-year-old precedent of the board requiring that a majority of employees eligible to vote affirmatively before gaining representation rights. Those not voting were considered to have voted “no.”

Under the new ruling — which mirrors the procedure in most democratic elections — just a majority of those actually voting and voting “yes” is all that is required for a union to gain representation rights.

The Air Transport Association did not indicate if it would appeal the district court’s ruling.

“Today, democracy has prevailed and we gladly usher in a new era where aviation and railway employees have a voice,” said Patricia A. Friend, president of the Association of Flight Attendants-CWA.

“Throughout this country, a majority of those casting ballots determine election outcomes. And for the first time in recent history, elections conducted by the NMB will be held to the standards and principles that our country was founded upon,” Friend said.

State of the union: Improvement

Continued from page 1

elected with UTU support return to seek advice from UTU state legislative offices and the UTU National Legislative Office. The UTU Auxiliary, led by Carol Menges, works closely with the National Legislative Office assisting members and their families to register to vote and to vote on Election Day. Increased UTU PAC contributions help elect labor-friendly candidates.

• Since passage of the Rail Safety Improvement Act, which tightened penalties for carrier intimidation and harassment and added whistleblower protection, UTU designated legal counsel have pledged to support members each and every time a carrier violates one of the law’s provisions.

“...you have become warriors through your commitment at that meeting that we stand united in support of our membership.”

• A UTU Rail Safety Task Force was created to supplement efforts of the UTU Switching Operations Fatality Analysis (SOFA) Group and the UTU Transportation Safety Team to improve workplace safety. Results of a recent task force survey of members on fatigue, harassment and intimidation are already being reviewed by the FRA.

• The UTU successfully partnered with Amtrak for a $100,000 federal grant for the UTU to train — by producing manuals and videos — on-board passenger-train staff in recognizing behavioral traits of terrorists and deranged individuals. The UTU has approached the Class I railroads about expansion of the program to freight carriers. There are favorable indications that the carriers are interested.

• Among accomplishments of the National Legislative Office was gaining an FRA requirement that, in implementing positive train control, carriers must provide separate computer screens in each cab, one for the engineer and one for the conductor, validating that two sets of eyes and ears are essential for train safety.

• A promise was kept to yardmasters that in addition to preservation of their craft autonomy, they would continue to have a voice at the UTU International.

Members on LIRR to rally for jobs, safety

UTU members working on the Long Island Rail Road (LIRR) are encouraged to attend a rally Monday, Aug. 30, to fight planned layoffs of LIRR and other area transit workers.

The rally will be held at 5 p.m. on the north side of the Mineola, N.Y., train station. Many UTU and other union leaders, elected officials and supporters of rail workers and safe rail service are expected to attend.

“We are fighting to save LIRR jobs and service.” General Chairperson Anthony Simon said. “The UTU and all LIRR labor unions are united in their fight for their members. We speak with one voice when we say, ‘Fight layoffs and save service to Long Islanders.’”

The UTU International Staff: Here to Serve You

Bruce Karl

Bruce Karl is the assistant director of the UTU and UTUIA’s Information Technologies Department. He started as a computer operator in 1971.

“I make sure the union’s computer hardware and software are up and running efficiently,” he said. “Our biggest challenge lately has been the conversion of our old mainframe-computer applications to Web-based applications. It’s been a huge challenge to get these applications to run in a Web-based environment. The UTU has provided for my family and me for the last 37 years and I am very grateful for that.”

www.utu.org / www.utuia.org
New benefit year begins for sick, jobless benefits

A new benefit year for jobless and sickness benefits under the Railroad Unemployment Insurance Act began July 1.

Administered by the Railroad Retirement Board (RRB), this law provides two kinds of benefits for qualified railroaders: unemployment benefits for those who become unemployed but are ready, willing and able to work; and sickness benefits for those who are unable to work because of sickness or injury.

Almost all employees will qualify for the new maximum daily benefit rate of $66, which increased from $64 under indexing provisions reflecting the growth in average national wages. Benefits are generally payable for days of unemployment or sickness in excess of four in biweekly claim periods, which yields $660 for each two full weeks of unemployment or sickness.

Persons with questions about these benefits should contact an RRB office by calling toll free at (877) 772-5772. More information can also be found by visiting www.rrb.gov.

Alabama & Gulf Coast MoW workers approve new pact

Maintenance-of-way (MoW) employees of shortline Alabama & Gulf Coast Railway have unanimously approved their first wage, benefits and working conditions agreement as members of the UTU.

Three MoW workers on Alabama & Gulf Coast, a RailAmerica property, chose the UTU as their collective bargaining agent in July 2009. Alabama & Gulf Coast and its engine workers have been UTU members since 2007, and work under a UTU-negotiated agreement.

Doyle Turner, the UTU’s alternate vice president-elect, negotiated the agreement for the maintenance-of-way employees, along with retired UTU General Chairperson Warner Biedenharn (GO 433, Illinois Central).

They thanked UTU International President Mike Furhey for his support.

Alabama & Gulf Coast Railway operates some 400 miles of track, including a mainline from Pensacola, Fla., north through eastern Alabama to Columbus, Miss., and a branch line from Mobile to Kimbrough, Ala.

“We will continue to look for railroad and other transportation workers who want and need union representation,” Turner said. “We are trying hard to bring parity in wages, work rules and benefits to those employees of the shortline rail industry."

“Some of the benefits these shortline railroad employees obtain when they join the UTU are job security, a defined grievance procedure and discipline rules, a work schedule that enhances their quality of life, and a defined set of benefits and work rules,” Turner said.

“These are the benefits these employees are looking for, and they won’t get them without joining a union,” he said.

UTU officers sue former president

Chairperson David Murphy (Rochester & Southern Railway); UTU General Chairperson Pete Kline (GO 688, Norfolk Southern) and UTU Team State Legislative Director Connie English – was filed July 15 in U.S. District Court for the District of Columbia. It asks for a jury trial.

The plaintiffs claim that Thompson and Sullivan conspired to withhold information from the UTU Board of Directors and the UTU membership – such as the recent agreement's written and spoken portions of Thompson and Sullivan before the August 2007 merger ratification vote, significant conflicts existed between the two organizations’ governing bodies.

To read the lawsuit brought by the three UTU officers, go to www.utu.org and click on “NUTS to SMWIA Takeover,” Then click on “UTU members sue former UTU president” and go to the bottom of the article for the link to the lawsuit.

DM&IR members reach agreement

A tentative agreement has been reached with the DM&IR's Lodge 91 (Pike & Iron Range) (DM&IR) Railway covering wages, benefits and working conditions for UTU-represented conductors and trainmen. DM&IR is part of CN North America.

General Chairpersons Tom Jackson (GO 321) and Ken Larson (GO 315) said the agreement is being explained to members and that ratification ballots would be distributed shortly.

The new agreement increases job security by more tightly defining job classifications and restricting future furloughs. It would replace a standard mileage/trade-based labor contract with one based on hourly wages and job guarantees.

Additionally, the tentative agreement would increase wages; provide a cash signing bonus; provide for retroactive pay; maintain weekly board markups; improve vacation and personal leave benefits, and offer a 401(k) plan with employer contributions.

Jackson and Larson thanked UTU Interna-

NMB names chief of staff

Daniel Rainey, known to many officers within the UTU, has been promoted to chief of staff at the National Mediation Board, the federal agency that administers the Railroad Labor Act.

Rainey will oversee the mediation, alternative dispute resolution, arbitration and administrative functions of the NMB.

Rainey has participated in UTU regional meetings, making presentations on alternative dispute resolution. He also played a leadership role in creating the NMB’s Knowledge Store, accessible at www.nmb.gov.

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ASHEVILLE REGIONAL MEETING INFO ONLINE

Information on the UTU/UTUIA regional meeting set for Aug. 23-25 in Asheville, N.C., is available online at www.utu.org.

RBB’s labor member announces retirement

The labor member of the Railroad Retirement Board (RBB) says he will retire after Jan. 1, or sooner if a successor is nominated and confirmed by the Senate.

V.M. “Buck” Speaman Jr., who was first confirmed by the Senate to his post in 1992, is one of three members of the agency that administers the Railroad Retirement Act and Railroad Unemployment Insurance Act, which pays sickness and disability benefits to rail workers.

Labor and management are represented on the RBB along with a chairperson who is a neutral.

Speaman currently is the board’s longest-serving member. His first nomination was by President George H.W. Bush in 1992. He was renominated by President Clinton in 2000 for two terms, and for a fourth term in 2007 by President George W. Bush.

From 1987 until his first nomination to the RBB in 1992, Speaman was president of the Brotherhood of Railroad Signalmen.

Early in his career, Speaman was a signalman and foreman on the former Penn Central, which became Conrail following its bankruptcy.

Conrail later was privatized and subsequently partitioned to CSX and Norfolk Southern following a bidding war for Conrail stock.

Roger Lenfest Jr. was elected chairperson of Amtrak GO 769 on June 3; succeeding the late Al Sween. Whi Lenfest (seated) are, from left, Gary Guleien, GO 769 secretary; John Keim, Local 1390 (Trenton, N.J.) chairperson; Jim Krahe, Local 516 (Harrisburg, Pa.) chairperson (now retired); Claire Axel Jr., Local 1470 (Edmonton, Md.) chairperson; and Charles Fouler Jr., acting Local 30 (Jacksonville, Fla.) chairperson.

www.utu.org / www.utuia.org
It's a dark and stormy night.
Maybe it's just dark.
A suit walks up to you in the yard, flashes a badge.
Says he's an FRA safety inspector. Starts asking questions.
Any tank cars with vinyl chloride or ammonia nitrate?
Where?
You don't need trouble from supervisors, railroad bulls or feds.
You answer the questions.
Two nights later, an FRA inspector you recognize shows up.
“You guys back again?” you ask.
“Back again? I’m the only FRA inspector assigned to this yard,” he says.
What we do know is this is a true story, told by an authentic FRA inspector.