Under NRC/UTU Health and Welfare plan, your choices matter

The numbers are in and the changes made to the National Railway Carriers/UTU Health and Welfare Plan are showing a positive impact of reducing plan costs and offering an opportunity to save money by making wise choices when accessing care and treatment.

Choices made by members as informed health care consumers not only have the direct effect of reducing their out-of-pocket expenses, but those choices also have the cumulative effect of reducing overall plan costs so that all members benefit when it comes to determining the amount of direct, monthly cost-sharing contributions.

The reduction in the fixed dollar co-pay for use of urgent care facilities and the addition of the convenient care clinic benefit have substantially reduced plan costs through greater utilization of those facilities.

The traditional use of emergency rooms, which remains the highest cost in terms of plan expenses for minor illnesses and sprains, has decreased greatly with the reduced urgent care co-pay and the addition of convenient care clinics, both of which cost hundreds of dollars less.

While there are certainly times when the use of a hospital emergency room is the only alternative, use of urgent care and convenient care facilities in non-emergency situations remains the best option in terms of cost to members, in both time and money.

Additionally, the purchase of generic medications, whenever available and appropriate can, save you considerable expense when the medication is purchased at a retail pharmacy or through the home delivery system. Greater utilization of the home delivery method of obtaining these medications, whether it be generic or brand name, further reduces plan costs and can save you a considerable amount of money as well.

“We heard your message in the last round of bargaining that relief was needed in the amount of monthly cost-sharing contributions,” said SMART Transportation Division President Mike Futhey.

“At that time, the monthly cost-sharing amount was approximately $203. We were successful in reducing that amount to $139 effective Jan. 1, 2013, where it will remain until July 1, 2016. The continued choices you make when accessing medical care, as well as expanded participation in the many wellness programs available to you and your eligible dependents – at no additional cost to you – will have a direct impact on the future cost-sharing amount. In addition, the available ‘flexible spending account’ can help you reduce your out-of-pocket expenses.

For more information about flexible spending account enrollment and rules and other benefit programs, visit www.yourtracktohealth.com.

By continuing to make informed decisions, the overall funding amount paid by the railroads could continue to go down, thereby saving all members directly,” Futhey added.

Although there is no way to stop the rate of health care cost inflation, railroad members covered under this plan can slow the rate of direct costs to railroad members by making careful choices about where they obtain needed care and treatment and in the medications being prescribed and dispensed.

Continued on page 10
Local 1, Buffalo, N.Y.

The West Shore Railroad, which ran from Buffalo to Rochester, N.Y., was remembered Aug. 3 with the dedication of a mural painted on the side of the Clarence Bowling Academy at the site of the Clarence Hollow Farmers’ Market. This photograph was sent to the SMART TD News by retired member John Pierro. The event featured free activities for children, live entertainment and the Kindred Knead alpacas. “This was a very proud moment for all those who were involved and for the town of Clarence,” Pierro said.

Retired member George F. Smith Jr. volunteered his time and effort for a fundraiser Sept. 14 at the Erie County Fairgrounds to raise money and awareness for Wings Flights of Hope. The event featured dinner, live music, Chinese raffles and a silent auction. Smith was busy putting up posters around town, making telephone calls and working at the fairgrounds. The organization is run by his niece, Diane DeMarco and her husband, Joe. The mission of Wings Flights of Hope Inc. is to assist people in need of free air transportation for medical and humanitarian purposes. “With this purpose in mind, our volunteer pilots enjoy giving the gift of hope to so many passengers, and we are honored to be able to give someone a lift when they are down,” Joe DeMarco said. For more information, visit the organization’s website at www.wingsflight.org.

Local 951, Sheridan, Wyo.

Former Alternate to the UTU Executive Board Titus R. Shelby reports that member Ter- ry Lee Davis, 54, died Sept. 8 following an accident in the Big Horn Mountains. An avid hunter and fisherman and UTU PAC supporter, Lee worked as a locomotive engineer for the BNSF Railway and had 34 years of service. He is survived by his daughter, Caitlin, his parents, Tommy and Mary Davis, and two brothers.

Local 1402 Legislative Rep. William Mathes attends the Boston regional meeting in July.

Legislative Rep. Mathes is serious about safety

SMART Transportation Division Local Legislative Rep. William “Bill” Mathes has been working towards making his Illinois workplace a safer one for the last six years. A member of Local 1402 at Duplo, Ill., Mathes—a yardman for Union Pacific— is always on the lookout for unsafe conditions. Then he goes about getting them fixed.

Mathes documents all safety issues by taking photographs of them and listing any state statutes that UP may be violating. Mathes then presents his findings to the carrier by writing letters and including his documented evidence. After numerous letters have been sent to the carrier and things seem to be at an impasse, Mathes asks State Legislative Direc- tors Ken Menges (Missouri) or Robert “Bob” Guy III (Illinois) to get involved and help resolve the issue.

“I couldn’t get the things I get accompl- ished without the help of Ken or Bob,” Mathes said.

Most recently, Mathes has been working to get unsafe walkways fixed. The walkways are old and crumbling and have become a hazard. Fellow employees, if distracted, could easily fall and injure themselves, Mathes said.

Mathes has been working with Guy and the Illinois Commerce Commission (ICC) to get UPS to fix the walkways properly, once and for all.

“Brother Mathes is a proven leader and effective advocate for his members. He understands the state and federal regulatory framework and uses that knowledge to convey his members’ concerns to local railroad management,” Guy said. “If that process bogs down, he is always quick to notify my office in a timely and professional manner so that we can work on getting those matters addressed.

“Brother Mathes is also politically active and never hesitates to contact his local legislators about issues important to our members. I am glad he was able to attend the Boston regional meeting to continue to hone his skills.”

Local 1138, Miami, Fla.

Locomotive engineer and Local Secretary & Treasurer Susan DERBY and fellow rail hazmat peer trainees work on a placement-in-train puzzle while a referee course in Maryland in this photo sent to SMART TD News by Assistant General Chairperson Yvonne Hayes. Derby is one of dozens of rail workers who have taken advantage of the programs offered by the Rail Workers Hazardous Materials Training Program, Hayes said. She is learning about hazmat safety and developing her skills as a trainer so she can share her knowledge with her colleagues. To learn more about hazmat safety, view the Rail Workers Hazardous Materials Training Program on Facebook, or visit www.hazmagmc.org.

Minnesota Treasurers’ Workshop

The SMART Transportation Division’s Minnesota State Legislative Board held a training session for local treasurers at its office Sept. 16. State Legislative Director Philip Quady reports. The session was conducted by International Auditor Stephen Noyes. “We want to support and encour- age our local treasurers for the great work they do holding our union together. They hold an important business position for our locals and are the arranging heads of our union,” Quady said. The treasurer session was an evening dinner for Minnesota’s 4th Congressional District that U.S. Rep. McCollum attended. Pictured, from left, are Stephen Noyes, Nick Katch (1027), Subhanarum Jiao (1614), Mike Meinhardt (312), Mark Saars (1976), Jason Nelson (1292), Joe Pearson (911) and Quady.

Auxiliary Lodge 331, Temple, Texas

Lodge Legislative Rep. Pam Neal of Auxiliary Bluebonnet Lodge 331 reports that the lodge is holding a 5K run Nov 2 to raise money to assist members and their families when they are ill, injured or experiencing a time of need. Registration is open from Sept. 16 to Oct. 29 and the first 50 participants to register will receive a goodie bag with a t-shirt. Medals will be awarded for the top female and male runners in each age group, as well as trophies awarded to the overall fastest female and male. The race is at the Pepper Creek Hike and Bike Trail at 546 N. Kegley Rd. in Temple, Texas, at 9 a.m., with registration open at 7 a.m. Cost is $20. Interested parties can register online at www.runsignup.com (search for Railway 5K) or by calling (254) 965-7551 or (254) 223-1400.

Labor Health and Safety Training, Kansas City, Mo.

Officers and members from a number of SMART Transportation Division locals were able to hone up on their hazardous materials knowledge, thanks to a grant from the Occupational Safety and Health Administration. Local 1409 Legislative Rep. Dan K. Boninoust Jr. submitted the photograph at left showing members who recently attended the Labor Health and Safety Training in Kansas City, Mo. Boninoust said the session was possible due to a grant received by OSHA’s Susan Harwood Grant Program and was taught by staff trainers from the National Labor College’s Rail Workers Hazmat Training Pro- gram. “This training allowed our members to receive valuable training on how to properly identify hazards and hazardous materials and how to conduct safety meetings for fellow mem- bers. We are very happy and fortunate to have been able to have this training here in Kansas City,” Boninoust said.

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Carrico, Dunham are UTU PAC contest winners

The UTU PAC contest concluded this past Labor Day with a total of $30,445 raised in PAC pledges and contributions. The member who raised the largest amount of money for UTU PAC was James E. Carrico Jr., of Local 333 of North Vernon, Ind., with $5,660 raised. Coming in a close second was Michael Dunham of Local 311 at La Crosse, Wis., with $5,345.

When asked why he participated, Carrico said, “It's part of my job as a local legislative representative and it was a challenge. Kenny Edwards, the state director of Indiana, also convinced me to give it a try, as well as at the urgings of others.”

To get the donations, Carrico went to local meetings to get members to understand the importance of UTU PAC and to make new pledges. “I wish we had more time to get more people to sign up. I think we could’ve gotten a lot more if the contest had lasted longer,” Carrico said of his efforts. “Really, I didn’t do anything. It was the members who stepped up and made it happen.

“PAC is important. I've been around PAC my whole life, with my dad (James Carrico Sr. being a former state director. I’ve seen how important it is for the future of the working people.”

Carrico was able to get six new members to pledge to donate to PAC and the rest of the money he raised came from members who were already PAC contributors and increased their pledges.

The contest offered round-trip airfare to Washington, D.C., lodging for two for three days and two nights and tours of the U.S. Capitol, Supreme Court and Union Station. The trip also included access to the Smithsonian museums, dinner with the National Legislative Office leadership, a Congressional office visit with members of congress and a SmartTrip METRO pass. As second place winner, Dunham received a SMART TV watch. Of course, Carrico and Dunham are both PAC club members.

Members wishing to contribute to UTU PAC or to increase their donations can visit our webpage to learn more or contact Wendy Miller at wmiller@smart-union.org.

SMART delegation attends AFL-CIO Convention

SMALLI was well represented at the AFL-CIO Convention held Sept. 8-11 in Los Angeles. Members of both the Sheet Metal and Transportation Divisions were in attendance, making our voice heard. From left are SMART General Secretary-Treasurer Joe Sellers, SMART TD National Legislative Director James Stem, Linda Jaloma, SMART Director of Governmental Affairs Jay Piotrowski, Charls Malyk, Vice President Bonnie Motz (Bis), Luther Medina, Marc Norberg, SMART TD Assistant President John Preswich, SMART Chief of Staff Rich McClosey, SMART General President Joe Nigro, Michelle McNew, Alyx Hughes, SMART TD Alternate National Legislative Director John Reich, Charles Henson, Vince Alfaro, Kamron T. Saunders, Robert Resendez Jr., Vice President John England, Dean Abril and Arthur Tolentino.

Crew member texting before Indiana derailment

A federal investigation found a freight train crew member was distracted by text messaging soon before crashing into a stopped train in northwestern Indiana, causing the derailment of more than two dozen locomotives and rail cars.

The January 2012 derailment in a rural area a few miles from Valparaiso prompted the evacuation of more than 50 nearby homes as spilled diesel fuel burned and sent smoke billowing from the wreckage.

The National Transportation Safety Board report said the CSX train that caused the crash was going about 40 mph despite signal warnings of a stopped train ahead of it that limited speeds to 15 mph. The trains collided, sending wreckage onto a parallel line where a third train was also derailed about 20 miles southeast of Gary.

The report blamed the crew for not paying vigilant attention to signals, not complying with speed limits and failing to “avoid distractions from prohibited text messaging.”

The train’s conductor, who was not named in the report, sent a text message about three minutes before the crash to a person who had made two unanswered calls to his cellphone in the previous two minutes, according to the report released Aug. 28.

CSX officials accept the NTSB’s findings, company spokeswoman Carla Groleau said Sept. 10.

“Strict compliance with both trackside signals and operating rules is fundamental to safe operations,” she said. “CSX has prohibited the use of cellphones by all train crew members while trains are moving or performing service for many years,”

Groleau said the railroad has disciplined the crew member, but did not give details.

The crash caused $55 million in damages, the NTSB report said, and temporarily closed the busy freight line into Chicago. The texting conductor and the engineer on that train both suffered minor injuries.

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“HiJack Russell” meme is ‘Union Pride’ choice

Local 1315 conductor “HiJack Russell” Parks was selected as the winner of the SMART “Union Pride” contest after his meme on the SMART Facebook page received the most “likes” from page visitors.

Parks, a CSX employee, made a moonlighting as a writer, director and creator of films and screenplays. He has also produced an online novel, “I’m also known as the heavy metal conductor,” Parks said, who won an iPad mini for the meme.

Parks’ meme, pictured below, showed union members at a rally with the following message emblazoned on it: “Union means more. More for our country. More for our people. More for our tomorrow.”

The contest was announced in General President Joe Nigro’s column in the June issue of the SMART Transportation Division News and on the SMART Facebook pages.

Parks left the following message on the SMART TD Facebook page for all who voted for him: “Thank you to all those that opened up and showed support for the hard-working U.S. workers. Seems we’ve been kicked around lately, but our determination to be THE BEST workforce this world has ever seen has not been damaged! Keep fighting the good fight! Keep your message wholesome and know, You Are Worth It! Now set your day to rock! Catch Fire! BAMD!!!”

#UNIONPRIDE

Unions Wantchoice

More for workers.
More for our people.
More for tomorrow.


Hi Jack Russell.png
Commonality of interests will lead to safer workplaces

Employment for our members in the transportation industry is distinguished in many respects. Regardless of mode – air, rail, road or sea – it is primarily an industry that operates 24 hours per day, seven days per week, 365 days per year, with its employees often unsked and subject to call at a moment’s notice. It is not unusual for transportation employees to have no scheduled days off, no advanced knowledge of whether they will be working or at home on a holiday, birthday or other special event, and no way of knowing when asked by friends or relatives what they are doing next week, this weekend, or even tomorrow.

“This process has already commenced, with our legislative departments collaborating on safety issues.”

While such conditions may appear to be very different than those of our members in other, more scheduled work environments, one must only look at the commonalities between the industries to see that our members in the Transportation Division have much more in common with our Sheet Metal brothers and sisters than may be evident at first look.

To begin with, nearly all members of the SMART organization are professionals who work highly skilled positions in a safety-sensitive environment. Whether working on a job site in the construction industry, operating machinery in a production environment or moving passengers or freight on trains, planes or buses, our members hold responsible positions that require a great deal of training and education.

All of the craftwork is safety sensitive and unforgiving – from a miner on a job site to a lapse of concentration while operating a locomotive or landing a plane, to a momentary diversion of attention while operating a bus or a production machine, the results of an error can be catastrophic.

That is why adequate training is such an important part of what we strive for, from the union-operated training facilities to the continual and rigorous oversight of our training agreements on the transportation properties that we represent.

But training by itself isn’t enough. In addition to our members mastering their crafts and showing up for duty adequately trained and prepared to work, safety also depends on proper workplace management, a responsibility that rests squarely on the shoulders of the companies and owners for whom we work.

Far too often, we hear of incidents where management blames the worker instead of the faulty work site. Far too often, the union has to step in and remind the management and agencies of their oversight responsibilities and, far too often, our members suffer from the unsafe work environment handed to us by our employers and for the lax regulation that allows such practices to continue.

It is the responsibility of management to provide us with a safe place to work and your union is second to none in advocating for improved safety on behalf of its membership. This advocacy to improve safety is an area that well illustrates the benefits that can be derived from the synergy of the merged organizations. Both of our predecessor unions possess expertise in training, safety and regulatory affairs. That expertise, when pooled together, is expected to be more effective working as an integrated unit than either was before.

We hope to learn from each other, taking advantage of the benefits that both unions bring to the table, to be stronger than ever in ensuring the safe workplace to which our members are entitled. This process has already commenced, with our legislative departments collaborating on safety issues at the federal, state and local levels. It is anticipated that these synergies will provide even more positive results as the integration progresses.

Fraternally,

John Previsich, Assistant President
SMART Transportation Division

Last month, delegates from both the SMART Transportation and Sheet Metal Divisions stood together united as one on the floor of the AFL-CIO convention. SMAl’s trade unionism in our brother and sisters in the labor movement was simple. We demanded that organized labor, as a whole, hold national, state and local elected leaders accountable for their actions – regardless of their party label and irrespective of any promises they may have made in the past.

The last six years have been difficult for working people. The Great Recession, caused through no fault of our own, was devastating to millions of working families. Making the pill even more bitter and harder to swallow was the fact that when working people asked for a hand up, we were ignored and our hard-earned tax money was diverted to bail out the Wall Street banks and CEOs who created the mess in the first place.

For the life of me, I cannot fathom whether in construction or transit, the harm done was further exacerbated when we asked to be held responsible for the companies like Wal-Mart, who received a one-year waiver from the rules that will be set for administering the Affordable Care Act.

SMART, as well as the rest of the labor movement, supports the goal of better access to quality, affordable health care for all Americans. However, many union health care funds are multi-employer plans, designed to pool the resources of union employers in order to reach the best possible deal on health care benefits for members. Rather than treat these plans in the same way large employers like Wal-Mart are treated, they were instead pushed out of the exchanges and, in effect, will be undermined by the government subsidies available through the health care exchanges. Amazingly, Obamacare will be undercuts and destroys the very health care plans of its staunchest supporters in order to cut the health care costs of America’s largest corporations. That is outrageous, and another example of why it is important, regardless of who is in office, to remain vigilant – to vote based on issues and not party identification or empty promises.

Let me point to a specific action that illustrates the power of unified action in fighting for workers’ rights on the political front. Adren Crawford of the SMART Transportation Division’s Tennessee State Legislative Director, worked with the SMART Sheet Metal Division Locals 4, 5, 177 and 555 to fight attacks on workers’ competition and prevailing wage laws in that state.

SMART’s transportation members now have a stronger legislative offensive to protect transportation members when they are being transported from point to point at work in that state, as well as support in securing better wage rates for sheet metal construction workers. We see, in this joint effort, how the legislative experience and connections on the transportation side of our union combines with that of the construction side of our membership to show the benefits of the merger.

A similar experience is occurring in Illinois, where the SMART Transportation Division’s legislative board met with Sheet Metal Local 73 to begin planning joint activities in that state. In Southern California, local unions have come together and worked on joint organizing projects, such as at Bombardier Inc., which manufactures and services passenger rail equipment and serves as an integral piece of the rail transportation pipeline in North America. Earlier this summer, workers at Bombardier overwhelmingly chose to join SMART and we anticipate future organizing efforts at other locations to prove just as successful.

When I hear about these joint efforts, it gives me a sense that the levels of trust and cooperation have increased. To some extent, credit has to be given to the transparency of our operations. We have in place a system of checks and balances that ensure, starting with the General Executive Council, SMART is financially viable. Leaders from both the Transportation and Sheet Metal Divisions serve on that council and we share information to make sure our decisions represent the best interests of our members. In this way, we are accountable for our actions and answerable to the membership.

I want you to remember that this is YOUR union. Your job is to work for you. I only ask that you become more involved on the “union side” of being a member. Our union is only as strong as we make it and the stronger it becomes, the more it benefits you and your family. I encourage everyone to part in their union’s events, whether at the local, state or national level.

We need you to join SMART’s Facebook pages, either at www.facebook.com/smartunion or by searching “SMART Transportation” in the Facebook search bar. You can also join the SMART Action Team to stay abreast of action alerts and other news items via www.smartaction.org. SMART is working for you and building a stronger and brighter future for this organization and for our families.

Fraternally,

Joseph J. Nigo, SMART General President

www.utu.org | www.utuia.org
Colorado

Armed with polling data obtained by SMART TD Political Consultant Dean Mitchell of DPM Research, Legislative Director Carl Smith and Assistant Legislative Director Charlie Skidmore Sept. 14 presented community leaders from Colorado, Kansas and New Mexico convened in Pueblo with data showing large support for funding Amtrak’s Southwest Chief service.

“We know the importance within Colorado, Kansas and New Mexico to present to state legislatures and governors when discussing funding for Southwest Chief service,” Smith said.

The surveys were conducted in Colorado’s 4th District and Kansas’ 1st and 2nd Districts, home to traditionally conservative voters.

Smith also presented the findings to attendees at the Labor Initiative of the Colorado Democratic Party event held Sept. 18.

“The survey was well worth the expense and will be a valuable tool for the state directors of Kansas, Colorado and New Mexico to present to state legislatures and governors when discussing funding for Southwest Chief service,” Smith said.

Minnesota

Legislative Director Phillip Qualy reports that Canadian Pacific and Saskatchewan BMWA members are back up to their old tricks again concerning pedestrian and employee injuries.

“CP continues to contact hospitals and clinics of injured railroad workers attempting to misinform staff and gain inappropriate access to injured worker’s complete medical records. They are telling hospital staff that railroad workers are covered by Minnesota Worker’s Compensation Laws and, therefore, they are entitled to all records. If this CP practice is proven to be true, this is a HIPAA violation. BNSF practices are under investigation through the great protective work of our UTU-SMART designated legal counsel,” Qualy said.

“UTU-SMART Minnesota is requesting a meeting with the Minnesota Hospital Associations for reissue of their 2007 letter to all MHA affiliates instructing their staff on railroad worker privacy rights under the Federal Employers’ Liability Act (FELA). This was a UTU legislative initiative in 2006-2007 and we will renew our efforts to work with the MHA in this area immediately.

“As always, if you are injured, become ill from a railroad-related event or have other needs, be sure to contact your UTU-SMART designated counsel in Minnesota,” Qualy iterated.

New Jersey

Pictured, from left, are Assistant State Directors Nelson Munizano (710), Philip Summern (1390), Vice Chairperson Ron Sobol (1447), Bill Blades (1449), Bus Rep. Kalkeor Muhammad (759), New Jersey lieutenant governor candidate Milly Silva, Chairperson McKee Cuthbert (1390), State Director Daniel O’Connell (1001), Secretary John Ali (800), Mike Byrne (1558), SMWIA Rep. Craig Hoffman and Lou End (1599). Silva addressed the legislative board regarding the Nov. 5 gubernatorial election and the board voted unanimously to recommend members vote for Silva, as well as for Barbara Buono for governor. It also recommends that members vote “yes” to raise the state’s minimum wage.

Tennessee

Legislative Director Adren Crawford, left, presented Bo Mitchell, center, with a UTU PAC contribution check to support his bid for re-election in the Tennessee House of Representatives. They are joined by Assistant Director Keesey Broncsfield, SMWIA Local 5 Business Rep. Jason Andrews and SMWIA Local 177 Business Manager Tony Easley.

Virginia

Virginia Attorney General Candidate Mark Herring, left, thanks State Legislative Director Patrick Corp after receiving a UTU PAC contribution check supporting his candidacy. “Mark Herring’s election is vital for the working men and women of Virginia. A man who ran a jackhammer for over a year knows what work is,” Corp said.

Transportation Division says ‘no’ to foreign bus operator exemption

The SMART Transportation Division’s Legislative office last month offered written testimony to the U.S. Department of Transportation to deny a tour bus company an exemption from the commercial driver’s license (CDL) provisions of part 383 of the Federal Motor Carrier Safety Administration regulations.

Miami Nice Tours of Miami, Fla., wants to employ 50 European drivers to conduct approximately 87 motorcoach tours in the United States annually. While each driver is licensed to operate a motorcoach in his or her European country of residence, states here do not issue CDLs to non-residents. Part 383 requires motorcoach drivers to hold a CDL issued by a U.S. state.

Miami Nice Tours states that they believe that these drivers are likely to achieve a level of safety that is equivalent to or better than the level of safety that would be obtained if they held U.S. CDLs and has sought an exemption from the FMCSA rules.

In testimony to the DOT, SMART TD National Legislative Director James Stem said: “The SMART Transportation Division opposes Miami Nice Tours’ application for exemption for several reasons. There is no way to check the claims of Miami that the drivers ‘are licensed to operate motor coaches in their respective country of residence’ and the status of their licenses, driving records, violations, etc. The qualifications and skills needed to hold and operate a CDL also include physical and dexterity requirements and there is no way to check that these drivers fulfill these requirements.

“There is no way to check the medical history of these drivers.

“While there is no ‘Keep American Jobs’ provision for the hiring of American bus drivers, there are Buy American provisions for purchasing buses. So if we are to be concerned about supporting Americans who build buses, it only makes sense that we support Americans who drive them. To allow the importation of people from other countries to perform American work is tantamount to ‘exporting’ these jobs.

“The immense diversity that already exists in the state of Florida makes the argument for the need to have a driver from a specific country to be without merit. If Miami needs someone who is fluent in a specific language, what they need is a tour guide accompanying the group.

“If this was an airline that transports diverse people in their planes on domestic routes, they would not be asking for a waiver to their qualifications so they could have a non-American pilot fly the plane.

“For the above stated reasons, the request for an exemption should be denied.”
SMART members celebrate at picnics and on Labor Day

SMART members participating in the Omaha, Neb., Labor Day parade marched alongside miniature locomotives provided by BNSF Railway and Union Pacific Railroad. The green and white Burlington Northern locomotive is privately owned.

Members of Transportation Division Local 768 await their turn to march at the Decatur, Ill., Labor Day "Work Connects Us All" parade and picnic.

SMART Transportation Divisions Alternate National Legislative Director John Risch, far right, visits with retired members from Transportation Division Local 486 in Glendive, Mont., during the local’s annual picnic held this past August.

Members of Transportation Division Locals 195 and 1423 join together to march in the 121st Labor Day parade in Galesburg, Ill. The community boasts that the parade is the oldest continuously running Labor Day parade in the United States.

The SMART Transportation Division UTU caboose is owned by Nebraska State Legislative Director Bob Borgeson and was one of the favorite attractions in the Omaha, Neb., Labor Day parade. Borgeson said he purchased the caboose from someone in Cleveland, Ohio, and that the caboose was built by a group of suburban high students in their shop class.

The SMART Transportation Division Local 195 Executive Director at the Springfield, Ill., Labor Day parade and picnic. SMART SD Local 195 Legislative Director, Jeff Nichols and Local Chairman Steve McEnally set up a booth at the picnic grounds where they handed out packets to the kids and information on the negative effects of right-to-work legislation. McEnally is in the photo above.

Local President Liz Nelson (486), left, purchases raffle tickets from SMART Transportation Division Montana State Legislative Director at Local 486’s picnic in Polson, Mont., Aug. 6.

Local President and Chairperson Jon P. Beckman, Local Chairperson Jim McKibben, Transportation Division President Mike Futhey and Local Secretary & Treasurer Cameron Calihan were just a few of the members attending Local 243’s annual “Union Day” event in Fort Worth, Texas, Sept. 24. Members enjoyed catered food and a raffle was held with the proceeds going to charity. Guest speakers were Futhey, General Chairperson Steve Simpson, UTUIA Field Supervisor Charlie Skidmore and Charlene Payne from UnitedHealthcare.

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Dunlevy’s father was out of work by 1962. Dunlevy explained that his father and his four brothers were orphaned at an early age. The four youngest spent time in an orphanage, but the oldest brother took a job at the Superior Steel Mill in Carnegie, Pa. One by one, he managed to get each of his brothers a decent job as well. “My dad was 13 at the time and child labor laws were virtually non-existent,” Dunlevy said.

In December 1961, Superior merged with Coppenrath Steel. Dunlevy’s father was out of work by 1962. “This was a pre-ERA environment,” Dunlevy said. “The pension and health care benefits for Superior’s workers were voided. While engaging in protracted litigation, over one half of the former employees died from causes that included stress, suicide and absence of adequate health care. My father was one of them. When the pension and health care issues were settled, my mother received one check for slightly over $500 that represented my dad’s entire 45-year career in the mill, and then I witnessed her struggle to keep our home and to live from day to day. I was just going into high school.”

When Dunlevy hired on in 1968, he said he witnessed many examples of disregard for correcting unsafe or unsanitary conditions reported by union members. Dunlevy recently reflected on his own call to serve. “I plan to spend more time with my grandchildren, pursue my interest in antique cars and make some improvements related to my home and the surrounding landscape,” Dunlevy said. “I will continue to be engaged in political and legislative activities for the benefit of our members and organized labor, but it’s time for others who are going to be working in the transportation industry over the next few decades to get involved to protect and improve their interests,” Dunlevy said. “Their participation will determine the future of the organization.”

Dunlevy member Richard T. Blakney, left, and Local 1373 Chairperson and Legislative Rep. Kyle W. Brightbill, right, join former Pennsylvania State Legislative Director Don Dunlevy at a celebration of his retirement. Dunlevy said “the railroad’s treatment of the employees included things like replacing toilets on locomotives and cabsows with plastic bags that were then placed in plastic buckets and carried around in the locomotives and cabsows. Similar lack of consideration and disregard for the workers in other aspects like safety, working hours and contract violations, coupled with the issues related to my Dad’s pension, and the unrest within the local steel industry all combined to provide the impetus to become involved in the union and work to make changes,” Dunlevy said.

Dunlevy was elected as the full-time secretary of the Pennsylvania State Legislative Board in 1988 and then elected as the director and chairperson in 1992. “Being actively involved in certain federal elections that directly benefited our members was very rewarding. But the one issue that I was involved with that had the greatest impact on our members was the passage of the Railroad Retirement and Survivor’s Improvement Act of 2001. It reduced the retirement age for 30-year employees, improved benefits for surviving spouses and limited – and actually reduced – the tax contributions made by the employees,” he said. “It is probably the most far-reaching piece of legislation enacted in my career.”

“Members need to realize that you can’t just pay the dues that financially support the union and participate, whether it is in providing information, volunteering time for local and political functions or in running for office. “Historically, our biggest gains and protections have been the result of the political and legislative activism of members who preceded us and were successful in the legislative arena. The responsibility falls on those working in the industry to protect what has already been provided and then work to enhance those protections. There is no free ride and you can only get out of something what you are willing to put in. Give generously to UTU PAC, because you really can’t afford not to.”

Bay area railroaders to host sixth annual reunion

Retired conductor John Herrmann of Local 694 invites all active and retired railroaders in the San Francisco Bay area to the sixth annual lunch and reunion from 1-5 p.m. on Oct. 26 at Spenger’s Fresh Fish Grotto, 1919 Fourth St. in Berkeley, Calif. The cost of lunch, dessert, beverage, tax and tip is $35 in advance, or $40 at the door. Enterèe choices are chicken marsala, grilled sirloin of beef or salmon and include a vegetable and potato side dish. To make a reservation, call Herrmann at (925) 465-4122.

The meal will be served at approximately 2:00 p.m. Railroaders, family and friends from SP, UP/ATSF and Amtrak, as well as other lines, from all crafts, are invited to participate in this special event. Those paying in advance should send their check or money order to Herrmann at P.O. Box 4763, Walnut Creek, CA 94596, and indicate the entrée choice.

B of A’s Don Seyer retires

Donald J. Seyer, 61, a member of the SMART Transportation Division’s Board of Appeals, retired, effective July 31.

Seyer, a native of the state of Washington, was a conductor on the Frisco Railroad, which later became part of the BNSF Railway. He is a member of SMART TD Local 947 at Chaffee, Mo., and has served his local as chairperson and delegate.

Seyer was elected to the Board of Appeals in August 2003. He was re-elected at the 2007 and 2011 UTU quadrennial conventions. He was a strong supporter of UTU PAC and is a member of the UTU Alumni Association.

Happy birthday, centenarians!

The Railroad Retirement Board has notified SMART that the following members have reached the 100-year milestone in 2013:

<table>
<thead>
<tr>
<th>Name</th>
<th>City/State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earl C. Culver</td>
<td>(72), Apr. 4, 2013</td>
</tr>
<tr>
<td>John M. Kuhn</td>
<td>(14), Aug. 27, 2013</td>
</tr>
</tbody>
</table>

UTU Alumni Association member Richard T. Blakney, left, and Local 1373 Chairperson and Legislative Rep. Kyle W. Brightbill, right, join former Pennsylvania State Legislative Director Don Dunlevy at a celebration of his retirement.
UTUIA offers protection against accidental death and dismemberment

UTUIA policy offers guaranteed approval for active transportation employees

UTUIA’s accidental death and dismemberment policy includes all these benefits for only $19.50 per month:

- $180,000 for death caused by common carrier
- $90,000 for death caused by automobile
- $60,000 for accidental death
- $30,000 for dismemberment
- $600 per day for intensive-care confinements
- $60 per day for family lodging
- $30 per day for family meals
- Up to $1,800 for air ambulance transportation
- Up to $300 for surface ambulance transportation
- Optional family rider for your spouse and children

This policy provides benefits for accidents only. These benefits are not available for sickness. Some benefits provided under the optional family rider are less than those provided to the policyholder.

For details, mail the coupon at right or call or email the UTUIA.

Some benefits may vary based on state of residence.

Call or email today:
(800) 558-8842 or sales@utuia.org

The SMART Transportation Division is seeking quality railroad, bus and airline photos, taken by its members, for placement in its annual calendar and other uses.

The calendar is mailed annually to members of the UTU Alumni Association as one of the benefits of Alumni Association membership.

High-resolution digital photographs should be emailed to "news_TTD@smart-union.org.”


To be included in the 2014 calendar, photos must be received by Nov. 5.

Be sure to include the photographer’s name and local number, the name(s) of the person(s) in the photograph (left to right) and any other pertinent information, such as the date and location where the photograph was taken.

Due to federal or state regulations or company restrictions on employees’ use of personal electronic devices, including cameras, on company property or while on duty, all members are advised to always follow their employers’ guidelines on the use of such devices.

All members whose photographs are selected for use in the calendar will be named underneath the picture and will also receive copies of the calendar.

For more information about the UTU Alumni Association, visit the SMART TD homepage at www.utu.org. From the pulldown menu under “About UTU” at the top center of the homepage, select “UTU Alumni Association.” Retired UTU members, as well as those individuals nearing retirement or interested in pension and other issues affecting transportation-labor families, are invited to participate in this voluntary program.

All photographs submitted become property of SMART.
Online open enrollment begins October 1

Railroad employees covered under National Railways Carriers/UTU Health and Welfare Plan or the Railroad Employees’ National Health and Welfare Plan will begin receiving notification of the online open enrollment period that began Oct. 1, 2013, and ends Nov. 2, 2013. The information should be specific to the current enrollment for you and your eligible dependents.

This new online enrollment capability provides the ability to view your personal information, add, delete and update dependent information, view enrollment materials, enroll in benefits for next year, and receive an immediate confirmation statement. There is no need to mail in a paper enrollment form. However, if you need assistance, have question or require a paper enrollment kit, call Railroad Enrollment Services at (800) 753-2692.

You are encouraged to visit the online enrollment site and review all the information available. Use the log-in instructions at end of this article to access and review your personal information and spend some time learning about the benefits resources available on the site.

You may have choices to make or information to provide:

• It is required that covered dependent Social Security numbers (SSN) be provided to the Centers for Medicare and Medicaid Services. Please supply the missing SSN on the Dependent Information screen.

• If you currently have the Opt-Out Option 1 Plan and want to continue this plan for next year, you must select Opt-Out Option 1 on the Medical Screen.

• If you are currently enrolled in the Health Flexible Spending Account, the election and yearly contribution will not rollover to the new plan year. If you want to continue with this program for the coming year, you must enter your annual contribution amount for these programs in the box provided on the Health Flexible Spending Account Screen.

To enroll in available benefit programs or make changes, access the Railroad Enrollment Services online enrollment for 2014 at www.yourtracktohealth.com (formerly known as the Railroad Information Department). You must log in to access your personal benefits information.

• Click “Login” located in the upper right corner of the screen.

• If you have already registered, enter your username and password.

• If you have not yet registered, select “New User?” at the bottom of the screen to complete your registration.

Once enrolled, in the select the option to “Enroll Now for 2014,” located in the upper left corner of the screen.

New features on yourtracktohealth.com

The new website, yourtracktohealth.com, launched as fully with a complete new look, feel and navigation, plus new healthy living content that may be used to help you improve your health. You can see the new website replaced the previous A&I website.

Secure registration now available:

• Create a unique login to access and manage your family’s health and welfare benefits account online. An email address is required to complete the online registration at yourtracktohealth.com. Register Online site registration is secure and confidential.

• Use your new user name and password to securely log into the Railroad Enrollment Services online portal to easily and conveniently change or enroll in your benefits and resources during Open Enrollment.

Register at yourtracktohealth.com and you could win!

Eligible railroad members will be automatically entered for a chance to win one of 15 amazing prizes including:

• An iPad® Mini (2)
• A Kindle® e-Reader (3)
• A SodaStream® soda maker (5)
• $100 gift card to Dick’s Sporting Goods stores (5; redeemable online and in stores)

REGISTER:

2. Select the “Register” button in the upper-right corner of the screen.
3. Complete the online registration and be automatically entered to win a prize.

Don’t delay — register today!

Your Track to Health — the new health and welfare benefits brand for Railroad Members

Your Track to Health represents the entire array of health and welfare benefits and resources available to eligible railroad employees and their dependents.

Whenever you see Your Track to Health or the logo on a new look, feel and navigation, plus new healthy living content, you can know and trust that the information is important and is being provided to help you better understand and optimize your health and welfare benefits.

Visit yourtracktohealth.com and register now to take advantage of this new site.

[Image: Download a picture of this code using the QR Reader on your smartphone and scan directly to the site.]

[QR Code]

[Image: Download a picture of this code using the QR Reader on your smartphone and scan directly to the site.]

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Pan Am Railways violated whistleblower rights

BOSTON – The U.S. Department of Labor has ordered Pan Am Railways Inc. to pay $50,000 in compensatory and punitive damages, as well as take corrective action, on behalf of an injured worker. The Northeast Billerica-based commercial railroad charged the worker with lying when he filed a Federal Railroad Safety Act complaint with the department's Occupational Safety and Health Administration.

The employee, who works in a rail yard in Waterville, Maine, filed an OSHA complaint on Dec. 6, 2011, claiming that the railroad had subjected him to disciplinary action earlier, including a letter of reprimand, for reporting an injury and unsafe working conditions. Shortly after the filing, Pan Am Railways held a second disciplinary hearing on Jan. 4, 2012. It alleged that the worker made protected activity when filing the complaint, and has ordered Pan Am Railways Inc. to pay $50,000 in damages, as well as take corrective action, on behalf of an injured worker. The Northeast Billerica-based commercial railroad charged the worker with lying when he filed a Federal Railroad Safety Act complaint with the department's Occupational Safety and Health Administration.

OSHA found that the employee engaged in protected activity when filing the complaint, and the railroad took retaliatory action by charging him with lying and by holding the second disciplinary hearing. Such adverse action can intimidate employees from exercising their FRA rights.

Under these laws enacted by Congress, employers are prohibited from retaliating against employees who raise various protected concerns or provide protected information to the employer or to the government. Employees who believe that they have been retaliated against for engaging in protected conduct may file a complaint with the secretary of labor for an investigation by OSHA's Whistle-blower Protection Program. Detailed employee rights information is available online at http://www.whistleblowers.gov.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit http://www.osha.gov.

Show your union pride with union gear

American Products offers line of union-made SMART gear, clothing

It’s not too early to begin your holiday shopping and the SMART Transportation Division website is just the place to start, without ever leaving your home or going to a busy shopping mall. Just visit the SMART Transportation Division website at www.utu.org and click on the “Gear” tile.

All of the SMART items featured there are sold through American Products and are union-made and/or are made in America. American Products is offering several new items this fall that were debuted at the regional meetings this summer and will feature some additional items for sale by the end of this month. Please be sure to check the website for details on all the new items.

All items carry a 100 percent quality guarantee against defects in materials and workmanship. Volume discounts on customized orders are available to UTU and SMWIA locals.

Watches and clocks carry a two-year manufacturer’s warranty against defects. All of the featured items can be ordered by credit card directly through the company’s secure website, or by calling the company’s toll-free telephone number: (800) 272-5120.

Members may also download and print a custom order form that can be mailed to UTU Merchandise.com, 1600 North Clinton Avenue, Rochester, NY 14621.

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

Unemployment, sickness benefits to increase due to adjustment

Beginning Oct. 1, 2013, the U.S. Railroad Retirement Board (RRB) will reduce railroad unemployment and sickness insurance benefits by 7.2 percent due to federal budget cuts first implemented in March 2013. Since that time, these benefits had been reduced by 9.2 percent.

The adjusted reduction amount is based on revised projections of benefit claims and payments under the Railroad Unemployment Insurance Act. It will remain in effect through Sept. 30, 2014, the end of the fiscal year.

The 7.2 percent reduction in railroad unemployment and sickness benefits will reduce the maximum daily benefit rate from $68.00 to $63.10. As a result, the total maximum amount payable in a two-week period with 10 days of unemployment will drop from $680 to $631.04. Certain railroad sickness benefits are also subject to regular Tier I railroad retirement taxes, resulting in a further reduction of 7.65 percent. Applying the 7.2 percent reduction to these sickness benefits will result in a daily benefit rate of $58.27, with a maximum two-week total of $382.71.

Under the previous 9.2 percent reduction, the maximum two-week unemployment benefit was $617.44, while the maximum for sickness benefits subject to Tier I payroll taxes was $570.21.

These reductions are required under the Budget Control Act of 2011 and a subsequent sequestration order filed by President Obama to implement the mandated cuts. The law exempted social security benefits, as well as railroad retirement, survivor, and disability benefits paid by the RRB, from sequestration.
NS sued by Equal Employment Opportunity Commission

ATLANTA – Norfolk Southern Railway Company unlawfully discriminated against an employee because of his disability, degenerative disc disorder, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed Sept. 23 in Atlanta.

According to the EEOC’s suit, NS violated federal law by not allowing a laborer to return to work after receiving treatment for his disability and being cleared by his treating physician to return to work with no restrictions.

According to the EEOC’s complaint, NS’s medical doctor disregarded the treating physician’s opinion as to the employee’s ability to work and determined he was medically disqualified from working without ever examining him. Norfolk Southern subsequently terminated the employee.

Disability discrimination violates the Americans with Disabilities Act (ADA), which requires employers to not discriminate against employees with disabilities or a record of a disability.

In addition, employers who perceive employees as disabled when they are not disabled also violate the ADA.

EEOC is seeking reinstatement, back pay and compensation through its conciliation process. The EEOC is responsible for enforcing federal laws against workplace disability discrimination.

The Atlanta District Office of the EEOC oversees Georgia and parts of South Carolina. The EEOC is responsible for enforcing federal laws against workplace discrimination. Further information is available at www.eeoc.gov.

Inside this issue of UTU-SMART News:

• "Union Pride" choice.

• SMART TD members celebrate Labor Day. See pages 6 and 7.

• Hilljack Russell meme is "Union Pride" choice. See page 3.

• Unleven's work moves from statehouse to his house. See page 8.

• Show your union pride with union gear. See page 11.