Union endorses former VP Biden

The following statement from SMART General President Joseph Sellers, Jr. was released July 1, 2020:

The endorsement was informed by discussions with and feedback from SMART members and leaders from across the United States who met to discuss the critical time for our nation.

Hey folks, thanks so much for a chance to speak to you all today. I’m grateful to President Sellers and President Ferguson and General Secretary-Treasurer Powell for the opportunity — especially at this critical time for our nation.

Today we’re being tested like we haven’t been for generations — and

Biden addresses members directly in video

In a video released widely to SMART membership, candidate Biden addressed a number of labor issues. A transcription of that message follows:

Hey folks, thanks so much for a chance to speak to you all today. I’m grateful to President Sellers and President Ferguson and General Secretary-Treasurer Powell for the opportunity — especially at this critical time for our nation.

Today we’re being tested like we haven’t been for generations — and

Joe Biden, a former U.S. senator and vice president during Barack Obama’s two terms as president, was endorsed by the SMART General Executive Council. Here he is shown greeting fellow passengers on an Amtrak train, which Biden frequently rode during his political career.

House approves bill with 2PC

H.R. 2, the Moving Forward Act, a massive $1.5 trillion infrastructure bill that contains provisions important to members of all crafts in the SMART Transportation Division and to sheet metal workers, passed through the U.S. House of Representatives by a 233-188 vote July 1.

A major component of this bill is the INVEST in America Act that passed the U.S. House Transportation and Infrastructure Committee in late June.

H.R. 2 contains:

- a two-person freight crew requirement;
- bus and transit operator safety measures;
- blocked-rail-crossing enforcement;
- a cross-border solution;
- yardmaster hours of service;
- additional funding for Amtrak;
- requirements for carriers to meet CDC guidelines and to provide personal protective equipment (PPE) to transportation workers.

“This is an unprecedented step ahead for many of our union’s major issues through the legislative process,” SMART Transportation Division President Jeremy R. Ferguson said. “Our concerns were heard and addressed by the writ-

Continued on Page 7

Kansas DOT proposes two-person crew rule

Another state is making a two-person freight crew the law of their land.

On July 27, the Kansas State Department of Transportation proposed a regulation that requires railroads that operate in the state to maintain a two-person crew in the lead locomotive.

“Kansas now joins a growing list of states that believe federal inaction on this issue is too great of importance to public safety and our members’ safety,” SMART Transportation Division Kansas State Legislative Director Ty Dragoo said in an email to TD members in his state. “The work we have done, the years of relationship building, the local, county and regional meetings where we have presented our case, and above all else, your efforts in your communities have finally paid off.

Continued on Page 7

Inside this issue of the SMART-TD News

- AROUND SMART-TD: Wilfredo Corsino from Local 1607 dies from COVID-19, Page 2.

- VICTORIES: New feature provides rundown of arbitration decisions favorable to our members, Page 6.


- GUEST COLUMN: GO-433 chairperson has column published by Tennessean, Page 8.

- STATE WATCH: Reorganization in New Jersey, Page 5.

- UTUIA: Scholarship award winners are announced, Page 12.
Local 1440, Staten Island, N.Y.

Brother Tommy Ring, a Staten Island Railroad employee and member of Local 1440 for 31 years, has retired, reports Local S&T John Marchisello. Hired as a track worker in 1988, Brother Ring transferred to the infrastructure department in 1998 and worked there for the rest of his career. He’s in the middle in the above photo with General Chairperson Tommy Wilson (GCA-SIR) at left and member Joe Carbone at right. SMART-TD wishes Brother Ring a long, happy and healthy retirement.

Local 1409, Kansas City, Kan.

Brother Wilfredo Corsino, a member out of Local 1607 (Los Angeles, Calif.), passed away on June 11 from COVID-19 complications. Brother Corsino was 65 years old.

“Brother Corsino has been a part of our Union UTU/SMART since 1996,” Ellis said. “He was a 23-year veteran and a consistent supporter of the union cause.” Corsino began his career with LACMTA and worked out of Divisions 7, 10, and 13. “On a personal level, many operators remember Brother Corsino’s infectious laugh and his love for Metro,” Ellis said. “Many of his co-workers stated that he was a great ping-pong and pool player.” Brother Corsino is the eighth active member of the SMART Transportation Division who has been reported to the union as having passed away from the novel coronavirus.

The union offers its sincere condolences to Brother Corsino’s family and friends and his union brothers and sisters at Local 1607.

Local 378, Cleveland, Ohio

Members of the local got together at the Sheet Metal Local 33 Hall on July 20 to bid a fond farewell to retirees Peter DePaul and Michael Covelli, who both recently pulled the pin after long careers with CSX and its prior iterations. Photos were courtesy of retired Local 378 brother and Alumni Association member Jerry Lambert. The SMART Transportation Division wishes to both Brothers DePaul and Covelli long, happy and healthy retirements.

Local 590, Portage, Wis.

Even with a number of these volunteers in furloughed status, a number of Local 590 members gathered to maintain their Adopt-a-Highway stretch.

Local 305, Lincoln, Neb.

Member Benson Akridge and his wife, Michaela, have been running a non-profit organization called The Food Fort in Lincoln and providing food for children in need since 2016. Their mission is to provide respect, love, relationships and a constant support system for children in the community.

The local recently donated $500 to the organization in order to help The Food Fort fulfill its mission, S&T McLain Dorsey reports.

“We were all able to visit and show our respect to deceased SMART-TD Local 1403 member Troy Jordan, who died needlessly in Union Pacific’s Armourdale Yard on Sept. 29, 2015,” Local 1409 Legislative Representative Dan Bonawitz said. “R.I.P., Brother Troy.”

In conjunction with the SMART Army, several local officers and members along with a SMART-TD Local 1216 officer, placed flags on veterans’ graves in Shawnee, Kan., over Memorial Day weekend in this second annual event. Attendees included Legislative Representative Dan Bonawitz Jr., Alt. Legislative Representative Adam Rulon; Trustee David Vest; LCA-569A Local Chairman Nick Pfeifer; members Richard Nash, Chuck Bonnett and Bill Faught; and Local 1216 Legislative Representative Ken Baum.

“We wish to thank all who participated and look forward to continuing this tradition next year,” Bonawitz said.
U.S. rail unions have united in an effort to overturn the sequestration of Railroad Unemployment Insurance Act (RUIA) benefits that was enacted by a GOP-held Congress during the Obama administration and continues to reduce railroaders’ benefits nearly a decade later.

A large bloc of the unions are represented by AFL-CIO’s Transportation Department (TDD), of which the SMART Transportation Division is a member.

A letter to U.S. Sens. Rob Portman and Sherrod Brown of Ohio sent by the union coalition requested that they jointly co-sponsor language consistent with the HEROES Act (H.R. 6800) to eliminate RUIA benefits from federal and other rail workers to address the Balanced Budget and Emergency Deficit Control Act of 1985 to include RUIA among programs that are not subject to sequestration. Portman, a Republican from Cincinnati, is chairman of the Senate subcommittee that will make a decision on sequestration.

“Unlike the average U.S. worker, railroad employees do not receive unemployment benefits through state-administered unemployment insurance programs. Instead, unemployed railroaders receive these benefits through the RUIA program, which is administered by the United States Railroad Retirement Board (RRB),” TTD President Larry Willis said. “As a result of the Budget Control Act of 2011, RUIA (benefits) are subject to sequestration. No state unemployment insurance benefits in the country is subject to this unfair treatment.”

RUIA unemployment and sickness benefits are sequestered at 5.9%, and have been subject to reduction for 20 years. These rates are adjusted yearly.

Railroaders are urged to call Portman at (202) 224-3353 to tell him to exclude RRB sickness and unemployment benefits from those reductions. Exceptions to the Kansas regulation in the state in a news release announcing the regulations governing certification of locomotive engineers, led by Don Zell, said the bill “woefully missed the mark.”

In the column, Jefferies also argued that legislators were “putting their collective thumbs on the scale” regarding railroad safety in regulating the crew-size safety issue.

The INVEST in America component of the Moving Forward Act was shepherd by House T&I Chairperson Peter DeFazio, an Oregon Democrat, through the committee June 18. He commented on July 1 after the bill’s passage:

“Passage of this bold, forward-thinking infrastructure bill is proof that finally, there is a majority of us in Congress who won’t accept the status quo and instead are working for a new vision that invests in our communities, addresses the climate crisis, and creates better opportunities for all. And we get there by putting millions of people to work in jobs that cannot be exported, while harnessing American-made materials, ingenuity, and innovation,” he said.

“With the Moving Forward Act, we make it clear that our infrastructure does not have to be a product of the past, with crumbling roads and bridges, unreliable transit and rail networks, inequitable outcomes, and little regard to our changing climate and our growing economy. I challenge my Senate colleagues to join the House in thinking big and being bold on long- overdue investments not only in our infrastructure, but also in the communities and the people we all represent.”

Leaders in the SMART-TD National Legislative Department thanked DeFazio and the bipartisan group of Democrats and a trio of Republicans who supported H.R. 2.

“As if we need any additional evidence that elections matter, this result shows that the 2018 change of party control in the House made a difference,” National Legislative Director Greg Hynes said. “We appreciate those legislators who supported this legislation in its journey through the House. There is more work to be done and a path to be cleared for this legislation, and our membership is more than willing to put in the time to make legislators understand why the bill provisions are necessary.”

The Moving Forward Act now moves to the United States Senate, where, according to Politico.com, Republican U.S. Sen. Mitch McConnell of Kentucky, the majority leader, called the bill “nonsense,” “absurd,” “pure fantasy” and vowed that it will die before getting to the White House, where the president has threatened to veto the bill.

Kansas Department of Transportation proposes two-person crew regulation

Kansas Gov. Laura Kelly, a Democ- rat, said the proposed rule was a needed step to preserve safe func- tions of the rail industry in the state in a release announcing the regu- lation.

“Kansas has faced issues ranging from crew member fatigue to derail- ments which pose a threat to our safety and security – but by maintain- ing the current practice of requiring a two-person crew we can ensure the health and safety of Kansas workers,” she said.

“This proposed regulation is a common sense, necessary measure to protect our state’s railroad crew members and keep every community along the tracks safe.”

Exceptions to the Kansas regulation include switching operations, brake testing, safety inspections, or while performing setouts in conjunction with road service.

“The benefits of the proposed rule and regulation is railroad and commu- nity safety, including the role two-person crews can play in helping to pre- vent potential accidents or derail- ments in emergency situations,” the state said in its release.

The persistence of Dragoo and the state’s legislative board paid off after more than a decade of work. Dragoo previously helped to persuade legisla- tors to introduce a two-person crew bill, H.B. 6057, back in 2016, but it died while in committee.

“All the outreach by Brother Dragoo, the Kansas SLB, SMART-TD mem- bers and other railroad labor groups was instrumental in proving the point that a safe operation is one with a certified conductor and a certified engineer working in tandem with technology playing a supporting, not a supplanting, part.” SMART-TD President Jeremy Ferguson said.

“This realization is one that transcends partisanship and ensures the continued safety of Kansas residents and rail workers.”

Kansas becomes the second state in 2020 to move ahead on a two-per- son-crew regulation. According to SMART-TD President Larry Willis, a state two-person crew law signed March 30th that took effect June 11th. If the rule goes ahead in Kansas, it would become the 10th state with a two-person crew regulation.

At the federal level, a number of states and rail labor unions continue to engage in a lawsuit against the Federal Railroad Administration (FRA) in the U.S. Court of Appeals Ninth Circ- uit. The federal agency, led by Donald Trump appointee Ron Batory, has attempted to prevent states from passing laws mandating a minimum train crew size.

A hearing in that case is likely later this year.

FRA grants another petition extension to unions

CLEVELAND, Ohio — Follow- ing a second joint peti- tion by the SMART Trans- portation Division (SMART- TD) and the Brotherhood of Locomotive Engineers and Trainmen (BLET), the Fed- eral Railroad Administration (FRA) on June 3 granted another 80-day extension to time limits in which petitions for review must be filed with the Locomotive Engineer Review Board (LERB) and the Operating Crew Review Board (OCRB). Originally, the SMART-TD and BLET requested an extension on March 30, which the FRA granted on April 7.

In support of the unions’ second joint petition for extension, which was filed on May 27, the FRA wrote: “FRA considered the petitioners’ extension request and concluded that extend- ing the previously granted relief would be in the public interest, need, to address the COVID-19 pub- lic health emergency, and is not inconsistent with railroad safety. Accordingly, FRA grants an extension of temporary emergency relief from the 180- and 120-day deadlines in §240.403(c) and (d), and §242.503(c), so that the FRA can receive any petition that becomes due before the expiration date of this waiver is extended 60 days.”

Under FRA regulations governing certification of locomotive engineers, a petition seeking review of a railroad’s decision to deny certification or recertification must be filed with the LERB no more than 180 days after the date of the railroad’s denial, and a petition seek- ing review of a railroad’s decision to revoke certifica- tion must be filed with the LERB no more than 120 days after the date of the railroad’s denial. Similarly, under FRA regula- tions governing certification of conductors, a petition seeking review of a rail- road’s decision to revoke certification or recertification, or to revoke certification, must be filed with the OCRB no more than 120 days after the date of the railroad’s denial decision.

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Biden has proven himself receptive to our issues

On July 1, SMART launched our endorsement of Joe Biden to serve as the next President of the United States. This comes at the conclusion of a long process where our leaders met with every 2020 presidential candidate over the course of the past four years. At the end of this process, which included input from all corners of the Union, we reached the conclusion that Biden was the best choice for the members of our Union and for all working families across the United States.

SMART has had a long working relationship with the former Vice President ever since his early days as an elected official in Delaware. Thanks to this long and productive relationship, we have come to intimately learn his positions on the blue-collar issues members find important to them, including as recently stated good union middle class jobs, and the right to collective bargaining and organizing. In fact, Vice President Biden listened to SMART issues and responded with a video before our endorsement.

Former Vice President Biden has time and again been vocal in his support for working families. He has not only lent his words, but his actions on retirement and industry issues members are concerned about. As a U.S. senator, he traveled every day from Wilmington, Del., to Washington, D.C., and back. He met day by day with the men and women who staffed America’s passenger rail lines. He got to know their stories and challenges and was instrumental in the passage of the Railroad Retirement and Survivors’ Improvement Act. He worked to beef up retirement benefits for employees and their spouses, boost disability benefits and lower the minimum service requirement while providing full benefits for surviving spouses. Biden also supports registered apprenticeship programs and will fight to protect and expand the standards they set.

This is in stark contrast to the current administration, which set out to threaten the very future of the unionized sheet metal industry and construction crafts by attempting to include Industry Recognized Apprenticeship Programs in the construction industry. It took a major effort across the building trades to fight off this attempt. No doubt, these programs are still on the table as Trump has shifted his Departments with opponents to the value of labor, including registered apprenticeship programs. Retaining the current framework very well could set off more battles over the very future of our apprenticeship system that has served as the model others have been measured by for over a century.

The Federal Rail Administration (FRA) during the Obama-Biden administration began the process of mandating two-person crews through its rulemaking process. Instead of directly addressing the spread of the virus and implementing the necessary safeguards to stop it, the Trump administration instead busied itself with health and safety waivers for high-rolling donors on Wall Street and big-business. One of the most egregious examples of this comes from FRA’s granting and subsequent extension of safety waivers to freight rail carriers in the early stages of the coronavirus pandemic. In the spring, we applauded our essential workers, those putting others before themselves: first responders and SMART members going to work every day. The cavalier and ill-prepared Trump administration had no such choice—concern itself with the health and safety of our country.

**Continued on Page 7**
TRANSPORTATION DIVISION PRESIDENT'S COLUMN

Your SMART Transportation Division leadership continues to battle for the safety and well-being of all of our members as our nation winds its way through the ongoing COVID-19 pandemic this summer.

While the carriers continue to operate with their eyes on the bottom line with their job cuts and safety waivers greenlit by the Federal Railroad Administration (FRA), all while maintaining their revenue, labor has achieved two important victories in the battle over train crew size just this month.

As briefly discussed in my prior column and detailed more fully on this issue’s front page, the Democratically controlled U.S. House passed H.R. 2, the Moving Forward Act on July 1. Pundits and others feel that this bill is likely dead in the Senate. The Democrats have a narrow majority in the Senate. One key reason for the bill’s potential failure is the opposition among some Senate Democrats to provisions in the bill supporting preserving Amtrak.

However, some observers maintain that the bill still has a chance of passing in the Senate if the issues are picked apart and addressed, with a two-thirds vote to override a veto. 

Despite the status of the bill in the Senate, labor has achieved two important victories in the battle over train crew size just this month.

Pundits and others feel that this bill is likely dead in the Senate due to obstruction from the Republicans in the Senate. This is the bill that was discussed and written about in my prior column. This month provides pair of bright victories in 2PC fight.

From the national rail contract negotiations standpoint, the SMART-TD negotiating team along with the rest of the rail labor leaders in the Coordinated Bargaining Coalition (CBC) for this round of national freight rail negotiations participated in a Zoom conference meeting with NRLC Chairman Brendan Branion and participating carrier representatives on July 28th. This meeting was held for the sole purpose of reviewing PowerPoint presentations relative to each side’s respective positions on issues contained within their Section 6 Notices. While there were no negotiations during the Zoom meeting on July 28th, it was beneficial to both sides in an effort to keep the process moving forward in a good-faith effort to achieve a voluntary agreement. The first formal negotiation meeting took place, in person, earlier this year on February 26th and 27th with the second meeting scheduled for March 31, 2020. This never happened due to the COVID-19 pandemic and all subsequent scheduled meetings were also canceled. The July 28th meeting was the first time the parties had convened in any manner since February.

We will keep everyone updated with any new developments on your contract negotiations as they transpire. Two important court cases remain under consideration. All briefings on our appeal in the 5th Circuit Court of Appeals challenging a ruling by a judge appointed by President Trump that attacked our crew consist agreements were completed July 10. We are awaiting the court’s decision.

In the 9th Circuit Court, oral arguments in the two-person crew case against the Federal Railroad Administration have been scheduled for Oct. 5. Administrator Ron Batory in May 2019 attempted to declare all state two-person crew regulations null and void. That action has been challenged by SMART-TD, rail labor and multiple states.

I’ll have more details about these topics and others in a future column. Until then, it is my firmest hope that all of you and your loved ones remain safe and healthy.

Fraternally,

Jeremy R. Ferguson
President, Transportation Division

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SMART Transportation Division 2020 budget

### SMART Transportation Division 2020 budget

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<th>Receipts and Other Additions</th>
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New Jersey

Wisconsin

![New Jersey](image1)

*Shown above, members of the SMART TD New Jersey State Legislative Board, both new and returning, are sworn in by U.S. Rep. Tom Malinowski (D-7th District), pictured at left, at the board’s reorganization meeting in mid-June.*

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![Wisconsin](image2)

*SMART-TD Local 590 Legislative Representative Steve James, right, presents a TD PAC check to Dave Considine, who represents the 81st District in the Wisconsin State Assembly.*

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What YOUR UNION is doing for YOU

Here is a list of recent arbitration victories reported to SMART Transportation Division’s leadership.

General Chairpersons who wish to report a recent success should email Vice President Alvy Hughes (ahughes@smart-union.org) for Bus Department victories and Vice President David B. Wier Jr. (dwier@smart-union.org) for rail victories.

NRAB, First Division
SMART-TD Vice Presidents David B. Wier, Jr. and Jamie C. Modesitt report that the Organization has received numerous favorable decisions from cases arbitrated at the First Division of the National Railroad Adjustment Board. Of the many cases that the Organization received sustaining decisions on from the First Division, the cases referenced below are of significant interest:

In National Railroad Adjustment Board, First Division Award Nos. 30122 (Simon, 2020), the Organization arbitrated a case where a local union representative alleged that remarks he made to a carrier officer during a telephone conversation in overturning the Carrier’s disciplinary action against the employee, the Board recognized that an employee’s conduct while acting in the capacity of a union officer is beyond the reach of the Carrier for disciplinary purposes. Specifically, the Board reasoned that the local union officer was afforded a “cloak of immunity” because the statements he made to the carrier officer were done so in the role of a representative of the employee. Information, GO-898 General Chairperson Tommy Gholson progressed this case to the First Division.

In National Railroad Adjustment Board, First Division Award Nos. 30150 and 30151 (Tener, 2020), the Organization arbitrated the dismissal cases of a Locomotive Engineer and Conductor who were dismissed by the Tazewell & Peoria Railroad for allegedly operating their train past a red signal indicating “Caution.” However, the signal appeared to display a yellow indication in the field. On the date following the occurrence of the incident, the Conductor pre- formed a reenactment of the events under investigation. Based on that reenactment, the carrier officers, although fully aware of the fact that the dispatching system intended to display a red signal indication on the signal in question, testified at the formal investigation that the signal appeared to display a yellow indication in the field. Despite that fact, the Carrier reasoned that it had just cause to find both Claimants guilty as charged and terminate their employment.

After reviewing both cases, the Board adopted the Organization’s argument that the signal in question displayed a “phantom signal” in the field. Based on the Board’s findings and conclusions, both Claimants were reinstated to their positions. Of the many with the Carrier and awarded full back pay for all time lost while they were in dismissed status.

cases were progressed to the First Division by General Chairperson Chad Rossman.

In National Railroad Adjustment Board, First Division Award Nos. 30141 and 30142 (Simon, 2020), the Organization adjudicated the dismissal cases of a Locomotive Engineer and Conductor who were dismissed by CSX. In both cases, the Claimants were charged with allegedly claiming pay for work not performed. Observing that the charges advanced against the Claimants were groundless, the Board rationalized: “The Carrier is not privileged to charge an employ- ee with one offense, and then discipline him for another after determin- ing it had not proven the offense for which he was charged. When the Hearing Officer said, ‘And understand, nobody is saying you stole anything, the Claimant was effec- tively exonerated.”

In reaching its conclusion that the Carrier failed to prove the charges brought against the Claimants, the Board reinstated both Claimants to service and made them whole for all lost wages and benefits as a result of their dismissals. Both cases were

progressed to the First Division by GO-49 General Chairperson Rick Lee.

In Public Law Board Award No. 127 (Tener, 2020), the Board arbitrated a case related to a Con- ductor who was dismissed by Nor- folk Southern on account of alleged conduct unbecoming when he claimed pay for time not worked and provided false and conflicting state- ment regarding a matter under investigation to a Carrier Officer.

In reaching its conclusion that the Carrier failed to meet its burden of proof, the Board maintained that the record of the case disclosed that Crew Management mistakenly placed the Claimant on the scheduled Engineer Trainee position when it had been his intent to be off work so he could attend court. Finding that the Carrier’s allegations against the Claimant were unwarranted, the Arbitrator reinstated the Claimant to his former employment status with the Carrier and ordered that he be made whole for all lost earnings as a result of the dismissal. GO-887 Gen- eral Chairperson James Ball and International Vice President David interpretation of the Agreement, the Company claimed that it had the contractual latitude to deny the Claimant her five (5) weeks of vaca- tion pay. Notwithstanding the Com- pany’s interpretation of the Agree- ment, it was the Organization’s vehement position that employees accrue their vacation based upon service rendered in the prior year, and for that reason, it was the Orga- nization’s position that the Claimant accrued her vacation in full at the beginning of the calendar year 2019. In analyzing the Agreement language, Arbitrator West found that the Organization’s position that the Claimant was entitled to a full five (5) weeks of vacation pay was correct since she worked the requisite amount of dates in the previous cal- endar year to accrue a full vacation allotment for 2019 at the beginning of the year.

In addition, the Arbitrator ruled that all Bus Operators’ vacation time shall be awarded at the beginning of the calendar year in full. Local 1715 General Chairperson Kevin Moss and International Vice President Alvy Hughes handled this case before the FMCS Arbitration Board.

In Case # U17-0725, a Bus Oper- ator was suspended for an alleged violation of “Employee Code of Con- duct.” The Union believed that the burden of proof must be more than a preponderance of the evidence due to the seriousness of the charge. Arbitrator realized the Grievant did not have justifiable cause and sus- tained the grievance, with the removal of the suspension from the Grievant’s record and he was to be made whole.

In the matter of SMART Local 1564 Case #U18-0554, a Member was charged with violations of the Agency’s policies, rules regulations and/or procedures regarding two alleged incidents and was terminat- ed. The Union argued that the termi- nation was unjust, as the punish- ment did not fit the crime due to the illness of the Grievant. After review- ing the case, the Arbitrator concluded that the Grievant was unjustly ter- minated. Having concluded that the Grievant’s termination was unwar- ranted, the Arbitrator reinstated the Grievant and ordered that she be made whole for any earnings. This case also handled by SMART GO-875 General Chairperson John Ellis.

What YOUR UNION is doing for YOU

General Chairpersons — report your bus victories to Bus Department Vice President Alvy Hughes at ahughes@smart-union.org and your rail victories to Vice President David B. Wier Jr. dwier@smart-union.org. This is your chance to show members what is being done for them!
Local 23 steps up to protect members and public

SMART-TD officers and members of Local 23 (Santa Cruz, Calif.) have been the keeper of their union brothers and sisters by providing personal protective equipment (PPE) and advocating for policies to prevent the spread of the coronavirus.

Chairperson James Sandoval (GCA-SCM) successfully protected Santa Cruz Metro employees by ensuring that management enforce a mandatory mask policy for all riders.

Sandoval had been concerned by cases of riders claiming medical exemptions and not wearing masks as required, leading to the potential for confrontation between drivers and passengers.

Sandoval and California State Legislative Director Louis Costa collaborated to ensure that SMART’s “no mask, no ride” policy was successfully enforced. Sandoval also called in and appeared as a guest on “Talk of the Bay” radio show on KSOD-FM 90.7 to discuss SMART’s increase of bus capacity limits.

Members also have been creating and distributing masking for their and their riders’ safety.

Unionist of the year

Senior Vice Chairperson Nathanael Abrego was honored July 26 by the Monterey Bay Labor Council for being Unionist of the Year.

A representative of more than 200 members on three different properties, Abrego “has put in MANY hours of his own time and he doesn’t hesitate to step up when he is needed no matter how busy his own life is,” Brother Sandoval wrote.

Congratulations to Brother Abrego and thank you for your service in making our union stronger!

Sellers column: Biden has proven support to union cause

Continued from Page 4

The risk yielded a summer surge of the pandemic costing avoidable deaths, illness continuing to traumatize health systems and the irrevocable harm to the health of our economy. In response to the pandemic, the U.S. Occupational Safety and Health Administration (OSHA) has done nothing more than issue unenforceable voluntary guidance to employers. This approach sends a message not to take strong preventative and protective actions, and it “strips workers of their legal right to seek and receive a worksite inspection by OSHA.” It also robs the communities and family members, to which workers return, of protections against the deadly virus, furthering its spread.

The traditional standards set by the Obama-Biden Administration would have been a useful starting point for the agency to craft a continuous standard, but the Trump administration did not participate and put the project on hold indefinitely and has never gotten back to it.

That halt in the process stopped the establishment of specific national standards for planning and training and would also have reorganized the stockpile of personal protective equipment, ventilators and many other items to handle “surges” of sick patients like the ones seen with COVID-19. Instead, at the time of publication, we live in an intentionally divided United States (think about that) and lead the world in COVID-19 deaths and infections with the rate of new cases rising each day. We must remember the leadership and the coordinated response by Obama/Biden as they inherited the 2008/2009 not so great recession and their handling of the H1N1 pandemic of 2009/2010.

We desperately need leadership – we desperately need equal justice under the law – we desperately need an administration that would listen to the science and the experts, so that we could see a result similar to Canada, our brothers and sisters to the north and the rest of the world, which is now seeing a return to normality.

The choice this election has never been clearer. SMART recommends you cast your vote for the only real blue-collar candidate in this election, the one with considerable years of experience who has stood by working families throughout his career: Vice President Joseph R. Biden, Jr.

Fraternally and stay safe,

Joseph Sellers Jr. General President, SMART

SMART General Executive Council endorses Joe Biden

Continued from Page 1

discuss SMART issues and which candidate best supports them. Over the past four years, SMART leadership has met with all the major presidential candidates from both parties, including the incumbent presidents and has had ongoing dialogue with them regarding issues impacting SMART members.

SMART has engaged with and listened to operators from coast to coast about their views and opinions regarding our union, their jobs and current events that affect their future. This effort was launched to ensure members have a say in shaping the course of our union as it proceeds to advance the needs and viewpoints of the membership.

Biden has a long history of engaging with SMART members and working families in both the sheet metal and the transportation industries. The endorsement decision was based on Biden’s strong support of the concerns most important to our members, including the need for two-person railroad crews, retirement and pension security, protection of prevailing wages, and a prioritization of workplace safety.

He also is dedicated to acting on a plan for real infrastructure work to enhance employment opportunities for current and future members in the industries SMART represents. SMART members have made it clear they can no longer wait after four years of empty promises for new infrastructure initiatives from the current administration.

From his early years working with local sheet metal workers as a County Commissioner in Delaware, to his frequent meetings with SMART Amtrak conductors during his commute back and forth to Washington, D.C., Joe Biden has been acutely aware of and engaged with the issues on the minds of our members.

After a series of discussions with Biden’s campaign staff, where members’ feedback and concerns were shared with the candidate, Vice President Biden took the time to respond with a video outlining his positions on the issues. His impassioned message in this video proves that Biden is the clear choice for our union and the membership.

SMART is highly engaged in the political process to ensure our issues are advanced and our members’ livelihoods are protected. We also strive to ensure union leadership is transparent and clear with our members when it comes to decisions in the electoral arena.

We work to advance our members’ issues by advocating and educating on their behalf while supporting candidates, regardless of party, who stand with SMART members and for issues important to all working families.

Former VP Biden delivers video directed at members of our union

Continued from Page 1

you’ve all stepped up to lead the way. That’s not an exaggeration.

The truth is: You’ve always been “essential.” And it’s about time our government fought for you as hard as you’ve been fighting for our country. You know, you deserve the PPE needed that you need to do your jobs without risk or fear. You deserve a safe workplace — and an administration that actually enacts workplace safety rules.

You deserve a government that not only protects, but encourages organizing and collective bargaining and advances workers’ rights across the board.

You know, this crisis has reminded the nation why unions are so essential.

Now it’s time to build anew, a more just and equitable economy that empowers unions to do a lot more. Because despite everything that is happening today, we also have a tremendous opportunity: Not only to rebuild our economy but to invest in workers and build back better for the future.

As president, I’ll pass a 1 trillion-dollar infrastructure plan, creating millions of new, good-paying jobs. Good-paying jobs! Require federally-funded projects to meet Davis-Bacon standards, pay a prevailing local wage. I’ll protect pensions so everyone can retire with dignity and respect.

You know, I’m a public-transit guy. I’m going to triple funding for public transit — and invest in a “second great railroad revolution.” You know, for 36 years, I took the train to work, every single day. Over 250 miles a day — round trip. The crews were like my second family: We Knew each other’s names. We watched each other’s kids grow up. That’s why it’s been one of the greatest honors of my generation that people still call me “Amtrak Joe.” And I’m going to keep fighting for those crews: Requiring two-person crews on freight trains, protecting transit workers from assault, making sure that everyone has what they need to safely do their job.

Period — period.

Folks, these are unprecedented times. This is the most consequential election in any of our lifetimes. I’ve stood with labor my whole life. And, as president, I’ll keep standing with you. No one — no one — will fight harder to get you the thanks, respect and opportunities that you so richly deserve.

So I hope you’ll join me. I hope you’ll join me in this fight, because I promise you: I will never let you down.

www.smart-union.org/td • www.utuia.org
General chairperson’s column discusses unionism, Biden

To anyone who thinks America’s labor unions aren’t relevant, think again. In what has become both a sad and challenging time in our history, unions are more important than ever — and with Joe Biden as president, they’ll be stronger.

Across the U.S., working men and women — union members — are responding to the COVID pandemic with the same courage and work ethic that built the middle class and made our country the most productive nation in the world. For example, the United Auto Workers are now part of the healthcare system, with members building life-saving ventilators at Ford and General Motors. United Food and Commercial Workers are keeping the shelves stocked, ensuring that we can put food on our tables and enjoy meals with our families.

Members of the Service Employees International Union are standing on the front lines in hospitals and clinics. Members of the International Association of Sheet Metal, Air, Rail, and Transportation (SMART) workers have worked tirelessly running freight trains to maintain the flow of goods — such as delivering chlorine-based disinfectants for water, enabling e-commerce, transporting food, and other essential products. The list goes on.

Let’s take stock of this historic moment — and, as we march toward the other side of the COVID crisis, let’s remember the critical role that the American labor movement played in both our economy and our society.

Most importantly, Joe Biden knows that labor rights are civil rights and that the strength of unions is their diversity.

In the days, weeks, months, and years ahead, we owe it to all of our brothers and sisters of color to listen, reflect on our own actions, and recommit ourselves to the fight for economic and social justice.

Adren Crawford is a general chairperson and proud member of the International Association of Sheet Metal, Air, Rail, and Transportation Workers.

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Class I rail carriers file their second-quarter earnings reports

<table>
<thead>
<tr>
<th>Net Earnings:</th>
<th>Decreased to C$908 million from C$1.25 billion.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earnings Per Share:</td>
<td>Diluted earnings per share decreased 59% to C$0.77 from C$1.88 and adjusted diluted EPS decreased 26% to C$1.28 from C$1.73.</td>
</tr>
<tr>
<td>Revenue:</td>
<td>Decreased 19% to C$3.21 billion from C$3.96 billion.</td>
</tr>
<tr>
<td>Operating Income:</td>
<td>Decreased 53% to C$785 million from C$1.27 billion.</td>
</tr>
<tr>
<td>Operating Expenses:</td>
<td>Increased 6% to C$2.42 billion.</td>
</tr>
<tr>
<td>Operating Ratio:</td>
<td>Declined by 18 points to 75.5%; adjusted operating ratio declined 2.9 points to 60.4% from 57.5%.</td>
</tr>
<tr>
<td>Earnings Per Share:</td>
<td>Decreased to $0.65 from $1.08.</td>
</tr>
<tr>
<td>Revenue:</td>
<td>Decreased 26% to $2.28 billion from $3.06 billion.</td>
</tr>
<tr>
<td>Operating Income:</td>
<td>Decreased 37% to $828 million from $1.31 billion.</td>
</tr>
<tr>
<td>Operating Expenses:</td>
<td>Decreased 19% to $1.76 billion.</td>
</tr>
<tr>
<td>Operating Ratio:</td>
<td>Declined 5.9 points to 63.3%.</td>
</tr>
<tr>
<td>Net Earnings:</td>
<td>Decreased to $109.7 million from $128.7 million.</td>
</tr>
<tr>
<td>Earnings Per Share:</td>
<td>Decreased to $1.16 per diluted share from $1.28.</td>
</tr>
<tr>
<td>Revenue:</td>
<td>Decreased to $547.9 million from $714 million.</td>
</tr>
<tr>
<td>Operating Income:</td>
<td>Decreased to $180.4 million from $208 million.</td>
</tr>
<tr>
<td>Operating Expenses:</td>
<td>Decreased to $387.5 million from $506 million.</td>
</tr>
<tr>
<td>Operating Ratio:</td>
<td>Improved 3.8 points to 67.1% from 70.9%; adjusted operating ratio worsened 1.5 points to 65.2% from 63.7%.</td>
</tr>
<tr>
<td>Net Earnings:</td>
<td>Decreased to $392 million from $722 million.</td>
</tr>
</tbody>
</table>

Earnings Per Share: Diluted earnings per share decreased to $1.53 from $2.70. Revenue: Decreased 29% to $2.1 billion from $2.9 billion. Operating Income: Decreased to $610 million from $1.1 billion. Operating Expenses: Decreased 21% to $1.5 billion from $1.9 billion. Operating Ratio: Worsened to 70.7% from 63.6%.

Net Earnings: Decreased to $1.13 billion from $1.57 billion. Earnings Per Share: Decreased to $1.67 per diluted share from $2.22 per diluted share. Revenue: Decreased 24% to $4.2 billion from $5.6 billion. Operating Income: Decreased 28% to $1.13 billion from $1.57 billion. Operating Expenses: Decreased 22% to $2.59 billion from $3.34 billion. Operating Ratio: Worsened 1.4 points to 61.0% from 59.6%.

Editor’s note: The earnings of BNSF parent company Berkshire Hathaway had not been released as of press time. The data will be posted on the SMART-TD website when released.

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Here’s your shot to get in the calendar!

We’re looking for photo submissions from SMART TD members and alumni of buses, light rail, planes or trains for the 2021 alumni calendar. Email high-resolution horizontal photos to news.TD@smart-union.org along with details about what’s going on in the photo. If your pic is picked, you get copies of the calendar to share. The deadline is Sept. 18!

(We’re sure to observe all rules and regulations regarding photos on your property)
This retired union member damn sure of the side he’s on

“Which side are you on?” That’s the title of a popular union song often sung on picket lines and at strikes. I have no doubt which side I’m on.

Ten years ago, I retired as an international union representative, spending 32 years organizing workers, negotiating contracts and handling grievances and discipline cases and being an activist in the politics of my state and community.

Of course, I have a pension, Social Security, Medicare and a supplemental health care policy that covers the gap between what Medicare pays and what I would owe. So basically no out-of-pocket expenses for medical care. As you age and then retire, you realize that without those benefits, there would be a damn good chance you would be living on the street, unless you worked a non-union job that paid you enough to retire with comfort, provided you saved enough.

Based on the fact that I can live a decent retirement, I have no doubt whose side I’m on.

I realized a long time ago that when the “unions inspire through the workers blood shall run, there can be no power greater anywhere beneath the sun, yet what force on earth is weaker than the feeble strength of one” that the union makes us strong. The labor movement is a just cause for the protection of workers and their families and are responsible for creating the middle class. I also know from experience that if you don’t have a seat at the table, then you for damn sure will be on the menu! We (you) have enemies. Giant corporations, right-wing extremist organizations whose sole purpose is to crush unions, lower wage rates, increase profits and curtail benefits. Court cases filed against unions on a whole front of issues important to us, financed by well-known groups are making headway in destroying unions and the middle class. That’s you, in case you’re wondering.

I am baffled why so many of our members are not only disenaged in supporting labor’s goals, but feed into the rhetoric of right-wing politicians who make no bones about wanting to destroy unions. They are the same ones who want to cut Social Security and Medicare. Hope you have enough money saved to take care of your aging parents if those cute happen.

Since 1935, when the Wagner Act was passed giving unions the right to organize under the law, the same right wing voted (103) of them, against the Wagner Act. In 1965 when Medicare was passed, 116 right leaners voted against it in the House of Representatives and 24 in the Senate. Let’s get real, brothers and sisters. I know you are angry at politicians, but it’s what you get when you are not involved in supporting your union. I found out from 32 years of being on the front line of organized labor’s push to protect workers that in the labor movement you get what you take.

If you are not strong enough and have no solidarity and do not support your union, you’ll get taken by some bulls — argument that we are a bunch of socialists out to destroy America. Really? For your own sake, and the sake of your families, vote for bread-and-butter candidates and don’t cut your own throat by blowing into some label like “socialism” or any other -ism.

Vote your pocketbook. Politicians come and go, but you are the rock of America.

Stand up for yourself, your union and your country. Solidarity forever — the union makes us strong!

Don DiLeo, of Trenton, N.J., is chairman of the Union Veterans Council sponsored by the New Jersey State AFL-CIO.

SMART Transportation Division Bus Department Vice President Alvy Hughes and General Chairperson John Ellis (GO-875 — LACMTA) helped the Dream Corps’ “Green For All” advocacy group in assembling a report on making public transit safer throughout the country.

VP Hughes and GC Ellis took part in a videoconference interview with campaign manager Nicole Wong and discussed the experiences SMART-TD members are having during the pandemic as well as protective steps.

“This was a humbling experience to be a part of this report,” Hughes said. “I have realized there are transit agencies experiencing common problems as our bus transit locals. The surprising result for me was some transit agencies not providing PPE for operator’s safety.”

The report is at https://www.thedreamcorps.org/our-programs/green-for-all/campaigns/safetransit/.
The Railroad Retirement Board (RRB) administers the Railroad Retirement Insurance Act (RUIA), which provides 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. Sickness benefits are also payable to female railroad workers for periods of time when they are unable to work because of health conditions related to pregnancy, miscarriage or childbirth. A new benefit year begins each July 1.

1. What are the eligibility requirements for railroad unemployment and sickness benefits in July 2020?

To qualify for normal railroad unemployment or sickness benefits, an employee must have had railroad earnings of at least $4,012.50 in calendar year 2019, counting no more than $4,012 in calendar year earnings of at least $1,605 for any month. In July 2020, counting no more than $4,012.50 in calendar year earnings of at least $1,605 for any month.

Under certain conditions, employees who do not qualify on the basis of their 2019 earnings may still be able to receive benefits. Employees with at least 10 years of service (120 or more months of service) who received normal benefits in the benefit year ending June 30, 2020, may be eligible for extended benefits, and employees with at least 10 years of service (120 or more months of service) might qualify for accelerated benefits if they have railroad earnings of at least $4,137.50 in 2020, not counting earnings of more than $1,655 a month.

In order to qualify for extended unemployment benefits, a claimant must not have voluntarily quit work without good cause and not have voluntarily retired. To qualify for extended sickness benefits, a claimant must not have voluntarily retired and must be under age 65.

To be eligible for accelerated benefits under a new temporary federal program called Pandemic Unemployment Assistance (PUA) created under the CARES Act, a claimant must have 14 or more consecutive days of unemployment or sickness; not have voluntarily retired or, if claiming unemployment benefits, quit work without good cause; and, when claiming sickness benefits, be under age 65.

2. What if I’m not eligible for railroad unemployment benefits under the criteria in Question 1?

You may be eligible for benefits under a new temporary federal program called Pandemic Unemployment Assistance (PUA) created under the CARES Act.

In general, PUA provides up to 39 weeks of unemployment benefits to individuals not eligible for regular unemployment compensation or extended benefits, including those who have exhausted all rights to such benefits. PUA is administered by individual states, not the RRB. For information and to find the application process in each state, please visit careeronestop.org, and under the Find Local Help tab, select Unemployment Benefits Finder.

3. What is the daily benefit rate payable in the new benefit year?

Almost all employees will qualify for the maximum daily benefit rate of $80. Benefits are generally payable for the number of days of unemployment or sickness over four in 14-day claim periods, which yields $800 for each two full weeks of unemployment or sickness. Sickness benefits payable for the first 6 months after the month the employee last worked subject to Tier I Railroad Retirement payroll tax, unless benefits are being paid for an on-the-job injury. Claimants should be aware that as a result of a sequestration order under the Budget Control Act of 2011, the RRB will reduce unemployment and sickness benefits by 5.9 percent after Sept. 30, 2020. As a result, the total maximum amount payable in a two-week period covering 10 days of unemployment or sickness will be $752.80. The maximum amount payable for sickness benefits subject to the Tier I payroll tax for the month will be $695.21 over two weeks. It is expected that sequestration will force a 5.7 percent reduction in unemployment and sickness benefits beginning Oct. 1, 2020. Future reductions, should they occur, will be calculated based on applicable law.

In addition, under the CARES Act, the amount of an unemployment benefit is increased by $1,200 per two-week period. This increased amount, which is not subject to sequestration, is applied to any two-week registration periods that began on or after April 1, 2020, through July 31, 2020. (Sequestration is not applied to benefit payments issued under the CARES Act.) The CARES Act includes a separate appropriation of $425 million to pay for this added

Continued on Page 11

The final Call

Following are the names of deceased members who were active TD members or maintained annual membership in the SMART TD Alumni Association, according to reports received at SMART TD Headquarters. These brothers and sisters will be missed by their many friends and fellow SMART TD Alumni Association members.

<table>
<thead>
<tr>
<th>Local</th>
<th>Name</th>
<th>City/State</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Flowers, Wm. E.</td>
<td>Topeka, Kan.</td>
</tr>
<tr>
<td>14</td>
<td>Sharp, Plage L.</td>
<td>Florence, Ky.</td>
</tr>
<tr>
<td>60</td>
<td>Soudler, Wayne</td>
<td>Allentown, Pa.</td>
</tr>
<tr>
<td>72</td>
<td>King, Charles L.</td>
<td>Columbia, Tenn.</td>
</tr>
<tr>
<td>145</td>
<td>Warner, James A.</td>
<td>Westerville, Ohio</td>
</tr>
<tr>
<td>149</td>
<td>Graham, Chuck R.</td>
<td>Columbus, Ohio</td>
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<tr>
<td>221</td>
<td>Marshall, Russell A.</td>
<td>Benton, Ark.</td>
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<tr>
<td>238</td>
<td>Nies, Max V.</td>
<td>Roy, Utah</td>
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<tr>
<td>238</td>
<td>King, Calvin B.</td>
<td>West Haven, Utah</td>
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<tr>
<td>298</td>
<td>Anderson, Johnny D.</td>
<td>Black Mtn., N.C.</td>
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<tr>
<td>298</td>
<td>Carson Jr., David H.</td>
<td>Logansport, Ind.</td>
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<tr>
<td>298</td>
<td>Berkshire, Donald L.</td>
<td>Columbus City, Ind.</td>
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<td>300</td>
<td>Carroll Jr., Clayton A.</td>
<td>Brookhaven, Pa.</td>
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<tr>
<td>312</td>
<td>Bartley Sr., Ronald D.</td>
<td>Wis. Rapids, Wis.</td>
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<td>318</td>
<td>Marrynak, Michael R.</td>
<td>Elmiria, N.Y.</td>
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<td>318</td>
<td>Roe, William F.</td>
<td>Bethlehem, Pa.</td>
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<td>318</td>
<td>Wittmer Sr., Richard B.</td>
<td>Sunbury, Pa.</td>
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<td>322</td>
<td>Christian, Donald R.</td>
<td>Pensacola, Fl.</td>
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<td>330</td>
<td>Meyers, Steve A.</td>
<td>Cunningham, Ky.</td>
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<tr>
<td>336</td>
<td>Keith, Mike L.</td>
<td>Omaha, Neb.</td>
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<tr>
<td>367</td>
<td>Navarro, Carlos A.</td>
<td>Omaha, Neb.</td>
</tr>
<tr>
<td>378</td>
<td>Chisholm, Warren F.</td>
<td>Avon Lake, Ohio</td>
</tr>
<tr>
<td>440</td>
<td>Allen Jr., Shelby</td>
<td>Cincinnati, Ohio</td>
</tr>
</tbody>
</table>

Local Name                City/State
473 | Wagner, Paul D. | La Grande, Ore.          |
498 | Gilbert, Gerald | Saylorsburg, Pa.        |
610 | Phillips, Roy Jack | Pasadena, Md.     |
620 | Sedon, Thomas S. | Bull Shoals, Ark.       |
622 | Henderson, Joseph C. | Jasper, Ala.   |
645 | Lynch, James A. | St. James, N.Y.         |
650 | Beach, Rex C. | N. Las Vegas, Nev.      |
663 | Smith, George S. | New Limerick, Maine     |
663 | Carey, Herbert R. | Milo, Maine             |
756 | Collier Jr., Richard W. | San Antonio, Texas |
762 | Seaton, Cecil D. | Weumapka, Ala.          |
762 | Cisco, Ronald E. | Taylorsville, Ill.      |
762 | Carter, Donald L. | Decatur, Ill.            |
772 | Beard, Ben S. | Jackson, Tenn.           |
792 | Wills, Ronald S. | Akron, Ohio              |
792 | Carmel, Edwin O. | Fredericksburg, Ohio    |
830 | Groner, James H. | Selingsgrove, Pa.        |
812 | Carman, Maurice E. | Stevens Point, Wis.     |
835 | Barclays, James A. | Bakersfield, Calif.     |
888 | Content, Lee D. | Manistique, Mich.       |
903 | Peterson Sr., Daniel F. | Jacksonville, Fl. |
1006 | Liston, Thomas F. | Burke, Va.               |
1007 | Olson, Richard W. | Chittenango, N.Y.        |
1060 | Sykes, Charles M. | Chickasha, Okla.        |
1081 | Promberger, William F. | Sun City, Ariz.     |
1166 | Barefoot, George B. | Charlotte, N.C.        |
1177 | Leinen, Eugene A. | Breckenridge, Minn.     |
1202 | Chevalier, Jerry L. | Temperance, Mich.       |
1214 | Truex, Larry M. | La Grange, Texas         |
1346 | Beals, Harold | Nashville, Tenn.        |
1365 | McCaín, Theodore E.| Meadville, Pa.          |
1366 | Jones, Robert L. | Huachuca City, Ariz.    |
1366 | Madsen, Kim M. | Salt Lake City, Utah    |
1374 | Caldwell, Clyde W. | Mount Pleasant, S.      |
1387 | Bagby, Robert S. | Columbus, Ohio           |
1413 | Hudson, Robert | Columbus, S.C.           |
1473 | Presco, Charles H. | Medford, Mass.           |
1518 | Cochren, W.H. | Indiana University, Ind. |
1548 | Beasley, Robert O. | Indianapolis, Ind.      |
1570 | Sanford, Daniel W. | Roseville, Calif.       |
1628 | Sklenar, Andrew T. | Bradlock, Pa.            |
1811 | McElwee, John | Massapequa, N.Y.         |
1929 | Childress, Jimmy L.| Fayetteville, Tenn.     |
1929 | Carron, Christopher | Millstadt, Ill.      |
1973 | Cheever, Howard D. | Sioux City, Iowa        |
Father of past FRA administrator passes away
Joseph F. Szabo, of Munster, Ind., and formerly of Riverdale, Ill., a retired member of Local 1299 (Chicago, Ill.) passed away June 12, 2020. An Air Force veteran, Brother Szabo was a loving husband, father and grandfather and retired with 39 years of service as a switchman for the Illinois Central Railroad, where he served as secretary-treasurer and as chaplain for his local’s social activities. The family often led him to hustle second jobs: He sold autos at Ford dealerships, owned gas stations, worked at the Chicago Board of Trade, ran an interest in a restaurant, and ran a small business installing TV antennas.

But it was the camaraderie of railroading he loved and he remained close with former co-workers in retirement.

Joseph had a lifelong passion for the Chicago Cubs and loved taking his family to Wrigley Field. As an uncle, he was very close with his nieces, nephews and their families, and loved large family gatherings where he shared love, wisdom, stories and his wonderful sense of humor.

In retirement he served as a volunteer tax preparer for AARP, a volunteer Village Inspector in Riverdale, Ill., as a member of the Chicago South Suburban Mass Transit District Board and as chaplain for the Dolton Elks. Active in community affairs throughout his life, he remained active in the chorus at the Hartsfield Village Retirement Community.

He is survived by his loving children, Jo Carol (Thomas, dec) Clark, Susan (Richard) Stapples, Peggy Szabo, former Federal Railroad Administrator and Illinois State Legislative Director, John (Karen) Szabo and John (Diane) Szabo; and his four precious grandchildren.

SMART Transportation Division offers its sincere condolences to Brother Szabo’s family, his friends, Local 1299 and all who knew him.

Railroad Retirement Q&A

Continued from Page 10

"recovey benefit." If this fund is exhausted, the new provision will no longer apply.

4. How long are these benefits payable?

Normal unemployment or sickness benefits are each payable for up to 130 days (26 weeks) in a benefit year. The total amount of each benefit which may be paid in a benefit year cannot exceed the employee’s railroad earnings in calendar year 2019, counting earnings up to $5,073 per month.

If normal benefits are exhausted, extended benefits are payable for up to 65 days (seven consecutive two-week periods) to employees with at least 10 years of service (120 or more cumulative service months).

The Railroad Retirement Board also authorizes payment of extended unemployment benefits to railroad workers who received unemployment benefits from July 1, 2019, to June 30, 2020. Under the law, railroad workers were eligible for up to 65 extended days of benefits within 7 consecutive two-week registration periods. Workers with 10 or more years of railroad service, who were previously eligible for up to 65 days of extended benefits, may now receive benefits for up to 130 days within 13 consecutive two-week registration periods.

Accordingly, the Railroad Retirement Board will begin to disburse extended benefits under this provision will begin after Dec. 31, 2020.

Claimsant can log into RRB.gov to view their account information, call the agency toll-free at 877-772-5772 to access information about the status of unemployment and sick- ness claims or payments 24 hours a day, seven days a week to see a list of their local office by accessing Field Office Locator at RRB.gov and clicking on the link on their local office’s page.

Transporation Division policy concerning fees objects

Percentage of chargeable fees determined by analyst for calendar year 2019

<table>
<thead>
<tr>
<th>Transportation Division</th>
<th>79 percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Legislative Boards L00 636 California</td>
<td>72.6 percent</td>
</tr>
<tr>
<td>L00 636 New York</td>
<td>0.0 percent</td>
</tr>
<tr>
<td>General Committees of Adjustment, including locals under jurisdiction GO 927 Union Pacific</td>
<td>98.7 percent</td>
</tr>
<tr>
<td>LO 005 California</td>
<td>5.4 percent</td>
</tr>
<tr>
<td>LO 012 Illinois</td>
<td>4.2 percent</td>
</tr>
</tbody>
</table>

4. SMART shall retain a certified public accountant to perform an independent audit of the records of the Transportation Division and subordinate units maintained by the President, Transportation Division. The Transportation Division shall designate an analyst for the purpose of determining the percentage of fees that fall within the categories specified in Section 3. The amount of the expenditures for the purpose of the investigation at the same time that the objections of the objectors are filed. Opposition to an objection must be made by a nonmember objector. A nonmember objector shall be a nonmember who objects to the report of the analyst, or upon the request of the President, Transportation Division, shall set forth in the decision the legal and arithmetic basis for such determination and the reasons therefor. The President, Transportation Division shall notify in writing the objectors of the date of the hearing and shall be deemed to have file written statements with the objections in support of the objections.

6. Each person entitled to receive the analyst’s report may challenge the validity of the calculations made by the analyst by filing an appeal with the President, Transportation Division. Such appeal must be based on showing by a letter to the President, Transportation Division postmarked no later than fifty (50) days after the issuance of the analyst’s report.

8. The arbitrator shall commence by October 1 or soon thereafter (whichever is later) as a "redetermination hearing.

10. The arbitrator shall have control over all procedural matters affecting the arbitration and shall conduct a fair and impartial hearing.

14. If the arbitrator shall determine that more than one day of hearing is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to a brief within fifteen (15) days after the start of the hearing, but in no case more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other period of time as is necessary to permit time for review. The arbitrator’s decision shall be final and binding, and no review of the decision shall be available to the parties to the appeal.

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

17. Each month thereafter for all objectors, an amount shall be put in an interest-bearing escrow account equal to 25 percent of the reduced monthly fees, or such other greater amount as the analyst may recommend. All objectors from the previous year shall be paid by the monthly fees based on the percentage of the amount determined by the analyst’s report as soon as possible after its issuance. The arbitrator in the event he/she shall not, however, take its portion of the monies in the escrow account until the arbitrator’s report shows a surplus in that escrow account on which an objector may appeal the report of the results, or upon the issuance of a decision of the day of the arbitrator.

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

Hole in one!

Lyle J. Spratt, a retiree of Local 577 (Northlake, Ill.) and an Association Member mem, sank a 117-yard hole in one using a 4-wagon on the fourth hole at Shore Point golf course in Fort Myers, Fla., earlier this year. His twice-weekly golf outings began in 1991 when he retired from the Chicago and Northwestern Railroad. He hired out toward the end of 1948 and served as vice president of Local 577 in the 1980s. He retired and still attends an occasional Local 577 meeting, Local Secretary Marc Rick. Lye Spratt, a retiree of Local 577 (Northlake, Ill.) and an Association Member
Have a camera? Get your photo featured here

SMART Transportation Division is always looking for good photos and your picture can be featured on this page.

SMART TD seeks photographs or digital images of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to SMART TD, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5313.

High-resolution digital photographs should be in JPEG format and emailed to news主任@smart-union.org. We prefer horizontal photos. Be sure that your camera is set to the large resolution setting when taking the photo or it might not reproduce well in print.

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

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

UTUIA congratulates its 2020 scholarship winners!

The UTUIA Scholarship Program rules require applicants to be a UTUIA policy holder or a child or grandchild of a UTUIA policy holder.

College Scholarship Winners

DISTRICT 1
(Corn., Maine, Mass., N.H., N.Y., R.I., Vt.)

‘UTUIA received three valid applications from District 1. The additional winners were selected from the remaining applications.

DISTRICT 2
(Del., D.C., Md., N.J., Pa.)

DISTRICT 3
(Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn., Va., W.Va.)

DISTRICT 4
(Ind., Mich., Ohio)

DISTRICT 5
(II., Wis.)

DISTRICT 6
(Ark., La., Okla., Texas)
Alexandria G. Johnson, daughter of Elvin Johnson, Local 221, Little Rock, Ark.; Savannah L. Howard, daughter of Stephen Howard, Local 656, Hinsley, Ark.; Colby Wilson, son of Dennis Wilson, Local 221, Pine bluff, Ark.; Mac Duncan, stepson of Kary Bennett, Local 656, Maumelle, Ark.; Joshua H. Buell, son of Travis Buell, Local 1016, Enid, Okla.; Holland G. Cornwell, granddaughter of Joe Cornwell Jr., Local 507, Fayetteville, Ark.

DISTRICT 7
(Iowa, Kan., Minn., Neb., N.D., S.D.)
Jerrel G. Rolfe, son of Gregory Rolfe, Local 1402, St. Louis, Mo.; Zoey Elizabeth Flemming, granddaughter of Terry Hansen, Local 1614, Richmond, Minn.; Cole G. Stenzinger, son of Daniel Stenzinger, Local 1202, Spencer, Minn.; Madison R. England, granddaughter of Billy England, Local 477, Emporia, Kan.; Jaela J. Parks, granddaughter of James Parks, Manly, Iowa; Nathan W. Bright, grandson of Terry Hansen, Local 1614, Richmond, Minn.

DISTRICT 8
(Ariz., Calif., Colo., Nev., N.M., Utah)
Javier Hernandez, son of Hermilio Hernandez, Local 1608, Los Angeles, Calif.; Nikell J. Woodland, granddaughter of Rick Wall, Local 238, Ogden, Utah; Trinity R. Weidinger, great-granddaughter of Harold Argestinger, Local 113, Flagstaff, Ariz.; Logan Jones, grandson of Patricia Hampton, Ogden, Utah; David A. Chavez, son of Magaly Do- rado, Local 1565, Glendale, Calif.; Cody Schrock, son of Justin Schrock, Local 945, LaJunta, Colo.; Makaiahl Murray, daughter of Ronny Murray, Local 230, Stockton, Calif.; Sara J. Noll, daughter of Gregory Noll, Local 945, LaJunta, Colo.; Emily C. Becerra, daughter of Sandra Pineda, Local 1563, Pomona, Calif.; Samuel J.C. Isuawa, son of Corey Walker, Local 24, Lancaster, Calif.

Trade Scholarships


Congratulations and best of luck from

FRATERNAL INSURANCE BENEFITS