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-
**Local 1407, Kansas City, Kan.**

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 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 of 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 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.

---

**Around the SMART TD**

---

**Local 140, Kansas City, Kan.**

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 railroad workers’ benefits nearly a decade later.

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

A letter to U.S. Sens. Rob Portman and Sherrod Brown of Ohio sent by a member.

The SMART Transportation Division (SMART-TD), which represents the rail industry in the state in a number of other provisions intended to rebuild and transform the nation’s roads and rails. “Federal agencies and big-pocketed lobbyists have tried to obstruct the essential protections that this bill provides to workers and to the people who work on, live near and use our nation’s transportation network. These representatives all had the foresight and initiative to move forward.”

Ian Jefferies, CEO of the Association of American Railroads (AAR), earlier in the week had an op-ed published that was highly critical of the administration’s proposal to reduce funding for rail labor safety and to regulate the crew-size safety issue.

The invest in America component of the Moving Forward Act was spearheaded 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 investment 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 changing economy. I challenge my Senate colleagues to join the House in thinking big and bold on long-overdue investments not only in our infrastructure, but also in the communities and the people we all represent.”

“I 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.

The FRA considered the petition by the SMART-TD National Legislative Director Meade DeFazio and the bipartisan group of Democrats and a trio of Republicans who supported the bill. "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.

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 railroad workers’ benefits nearly a decade later.

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

A letter to U.S. Sens. Rob Portman and Sherrod Brown of Ohio sent by a member.

The SMART Transportation Division (SMART-TD), which represents the rail industry in the state in a number of other provisions intended to rebuild and transform the nation’s roads and rails. “Federal agencies and big-pocketed lobbyists have tried to obstruct the essential protections that this bill provides to workers and to the people who work on, live near and use our nation’s transportation network. These representatives all had the foresight and initiative to move forward.”

Ian Jefferies, CEO of the Association of American Railroads (AAR), earlier in the week had an op-ed published that was highly critical of the administration’s proposal to reduce funding for rail labor safety and to regulate the crew-size safety issue.

The invest in America component of the Moving Forward Act was spearheaded 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 investment 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 changing economy. I challenge my Senate colleagues to join the House in thinking big and bold on long-overdue investments not only in our infrastructure, but also in the communities and the people we all represent.”

“I Leaders in the SMART-TD National Legislative Department thanked DeFazio and the bipartisan group of Democrats and a trio of Republicans who supported the bill. "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.

The FRA considered the petition by the SMART-TD National Legislative Director Meade DeFazio and the bipartisan group of Democrats and a trio of Republicans who supported the bill. "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.

The investment in America component of the Moving Forward Act was spearheaded 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 investment 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 changing economy. I challenge my Senate colleagues to join the House in thinking big and bold on long-overdue investments not only in our infrastructure, but also in the communities and the people we all represent.”

“I Leaders in the SMART-TD National Legislative Department thanked DeFazio and the bipartisan group of Democrats and a trio of Republicans who supported the bill. "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.

The FRA considered the petition by the SMART-TD National Legislative Director Meade DeFazio and the bipartisan group of Democrats and a trio of Republicans who supported the bill. "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.
SMART General President's Column

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 union leadership 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 his support for the right to collectively bargain and organizing. In fact, Vice President Biden listened to SMART issues and responded with a video before our endorse-ment.

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 to day with the men and women who staffed America’s passenger rail lines. He got to know their stories and challenges and was instru-mental 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 sup-ports 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 Apprentice-ship Programs in the con-struction industry. It took a major effort across the build-ing trades to fight off this attempt. No doubt, these programs are still on the table as Trump has certified his Departments with oppo-nents to the value of labor, including registered appren-ticeship programs. Retaining the services of skilled and experienced laborers very well could set off more battles over the very future of our apprenticeship sys-tem that has served as the model others have been measured by for over a cen-tury. The Federal Rail Administration (FRA) during the Obama-Biden adminis-tration began the process of mandating two-person crews through its rulemak-ing 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-businesses.

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 oth-ers before themselves; first responders and SMART members going to work every day. The cavalier and ill-prepared Trump administra-tion had a single choice – concern itself with the health and safety of our country.

— Jeremy Ferguson

“Bus Department News
A message from your Bus Department leadership

Brothers & Sisters, I pray that you and your families are safe during these very trying times. I pray for our members as well as everyone who has been personally affected by this pandemic.

Not including hospital employees and first respon-ders, I don’t know of any industry as well as more adversely impacted by the spread of COVID-19 than the transit industry. The Corona-virus Aid, Relief and Eco-nomic Security Act (CARES Act) offered some relief, but not nearly enough to deal with all the adversity that we as an industry have faced. The transit industry received $25 billion of which $22.7 bil-lion went to large and small urban areas and $2.2 billion to rural areas. SBA loans made to some companies were not properly tracked to ensure that the Paycheck Protection Program (PPP) was adhered to accu-rately, so we have faced some difficulties. While some members who have been furloughed have since been recalled, there are still far too many who have not. And for those who have not now brings the added problem of making COBRA payments to maintain health care coverage, and our school bus operators and aides/monitors are unsure of their immediate status given the uncertainty as to whether school will open this fall.

What I can say is that we at the national level are doing any and everything to reverse the problems experi-enced by our members during this unforget-tible time. There has been discussions with government agencies and local and federal leaders to get any relief made available to us to lessen the stress for our members. If these issues are not pressing enough we as a nation must deal with the racism that has once again engulfed our nation. SMART General President Joe Sellers and TD President Jeremy Ferguson have got-ten ahead of this matter by putting a group of leaders together to form a Recruitment and Retention Council that will be rolling out very soon to all locals.

The diversity in our union is something all of us should be proud of, where we can call those who don’t look like us brother and sister. All too often, not getting involved in these matters inevitably makes us part of the problem and not the solution. So, I encourage all our members to speak up and speak out when they witness racism in the workplace or racism within our ranks. We need to let everyone know that SMART will not tolerate any member or any human being to be subjected to racist behavior from others. We are a group where members and all others are able to be who they want to be without fear of retaliation.

Remember to stay safe, wear face coverings and keep a social distance whenever possible and keep washing and sanitizing your hands.

In solidarity,
Calvin Studwitz
VP Bus Department
SMART-TD
216-630-0963

Jeremy Ferguson
SMART Transportation Division President
jeremyf@smart-union.org

Joseph Sellers Jr.
SMART General President
jsellers@smart-union.org

Joseph Powell
SMART General Secretary-Treasurer
jpowell@smart-union.org

Gregory K. Hynes
SMART Transportation Division National Legislative Director
ghynes@smart-union.org

SMART Transportation Division

Contact us: news_ttd@smart-union.org
Phone: 216-228-9400
Fax: 216-228-5755

SMART Transportation Division News (ISSN 2470-0304) is published seven times per year in the months of February, September, October and November with combined issues in the months of April/May, June/July and December/January by SMART Transportation Division, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. Periodicals postage paid at Cleveland, Ohio, and additional mailing office. POSTMASTER: Send address changes to: SMART Transportation Division News, 24950 COUNTRY CLUB BLVD., SUITE 340, NORTH OLMSTED, OH 44070-5333. SMART Transportation Division News (ISSN 2470-0304) is published seven times per year in the months of February, September, October and November with combined issues in the months of April/May, June/July and December/January by SMART Transportation Division, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. Periodicals postage paid at Cleveland, Ohio, and additional mailing office. PostsMASTER: Send address changes to: SMART Transportation Division News, 24950 COUNTRY CLUB BLVD., SUITE 340, NORTH OLMSTED, OH 44070-5333.
TRANSPORTATION DIVISION PRESIDENT’S COLUMN

Month provides pair of bright victories in 2PC fight

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 Democratic-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 currently controlled U.S. Senate, but we will not deterred and we will continue marching forward on this! We will be sure to remember the names of those obstructionists who feel that the regulations in H.R. 2 for bus, rail and transit worker safety are not important enough to consider as their names come up on the ballot in November and in the future.

We also experienced a second victory related to crew size in Kansas.

State Legislative Director Ty Dragoo and his board have spent years laying the groundwork for success. Late this month on July 27th, the state Department of Transportation announced it had introduced a regulation maintaining two qualified crew members in the cab of trains operating in the state.

Dragoo and the board’s diligent networking with the governor and state officials and their strong mobilization efforts were a success. Now only a carrier lawsuit or an intercession by the state attorney general on the part of the carriers can prevent the regulation from going into effect.

We as a union also are going to do a more thorough job of emphasizing our successes. One new feature that we have added is on Page 6. We want you to know that we are lighting for YOU on multiple fronts and are winning.

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 Brandon 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 of the Federal Railroad Administration’s 2-person crew case against 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. Administrators 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

---

SMART Transportation Division 2020 budget

Pursuant to Article 21B, Section 16, of the SMART Constitution, below is the 2020 budget for the SMART Transportation Division

<table>
<thead>
<tr>
<th>Fund</th>
<th>Jan. 1, 2020</th>
<th>Receipts and Other Additions</th>
<th>Disbursements and Other Deductions</th>
<th>Negative Funds Adjustment</th>
<th>Dec. 31, 2020 (Projected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>$8,938,149</td>
<td>$20,067,327</td>
<td>$(18,818,018)</td>
<td>$(731,881)</td>
<td>$9,456,577</td>
</tr>
<tr>
<td>Education and Training</td>
<td>-</td>
<td>$855,000</td>
<td>$(754,872)</td>
<td>-</td>
<td>$100,128</td>
</tr>
<tr>
<td>Maintenance of Membership</td>
<td>$131,126</td>
<td>$624,000</td>
<td>$(1,487,007)</td>
<td>$731,881</td>
<td></td>
</tr>
<tr>
<td>Public Relations</td>
<td>-</td>
<td>$312,000</td>
<td>$(250,138)</td>
<td>-</td>
<td>$61,862</td>
</tr>
<tr>
<td>Strike</td>
<td>$7,654,436</td>
<td>$156,000</td>
<td>-</td>
<td>-</td>
<td>$7,810,436</td>
</tr>
<tr>
<td>Convention</td>
<td>$1,762,647</td>
<td>$1,248,000</td>
<td>-</td>
<td>-</td>
<td>$3,000,647</td>
</tr>
<tr>
<td>Total funds</td>
<td>$18,476,358</td>
<td>$23,262,327</td>
<td>$(21,310,035)</td>
<td>-</td>
<td>$20,428,650</td>
</tr>
</tbody>
</table>

---

New Jersey

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.

Wisconsin

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.

---

www.smart-union.org/td • www.utoui.org
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. Modestit report that the Organization has received numerous favorable decisions from cases arbitrated at the First Division of the National Railroad Adjustment Board. Of 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. 30112 and 30142 (Simon, 2020), the Organization arbitrated a case where a local union officer was reprimanded for remarks he allegedly made to a carrier officer during a telephone conversation. In overturning the Carrier’s disciplinary action against the employee, the Board reasoned 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 noted 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 local’s employment 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 a case related to a Conductor who was dismissed by Norfolk Southern. The Company alleged incidents and was terminated for another after determining 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 effectively 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 General Chairperson Chad Rossman.

B. Wier, Jr. handled this case before Public Law Board 7579.

Bus Arbitration Report
Vice Presidents Alvy Hughes and Calvin Studvidt report that the Bus Department has received several favorable arbitration awards. Here are some decisions from Federal Mediation Conciliation Service (FMCS) and California Public Employment Relation Board (PERB):

In an Arbitration Decision related to FMCS Case No. 190607-07924 (West, 2020), the Organization submitted a grievance to the Board concerning Transit Management of Charlotte’s misapplication of the Collective Bargaining Agreement when it failed to pay a Bus Operator all of her accrued vacation benefits upon her retirement from the Company. The Claimant retired from the Company on March 5, 2019. Based on her years of service with the Company, the Claimant was entitled to five (5) weeks of vacation pay for the calendar year of 2019. However, the Company alleged that vacation benefits and entitlements are accrued from seniority date to seniority date. Based on that interpretation of the Agreement, the Company claimed that it had the contractual latitude to deny the Claimant her five (5) weeks of vacation pay. Notwithstanding the Company’s interpretation of the Agreement, it was the Organization’s position that employees accrue their vacation based upon service rendered in the prior year, and for that reason, it was the Organization’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 was correct since she worked the requisite amount of dates in the previous calendar 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 the matters of SMART GO-875 and Los Angeles County Metropolitan Transportation Authority (METRO), General Chairperson John Ellis received two favorable arbitration awards involving Local 1563. The Company terminated a Member for “refusal to test.” The Company cited its Drug and Alcohol Work Environment Policy as a basis for terminating the Grievant. The Arbitrator held that the Grievant reasonably believed the instruction given to take the test at another time was just. The Grievant was reinstated and made whole for lost earnings.

In Case # U17-0725, a Bus Operator was suspended for an alleged violation of the “Employee Code of Conduct.” The Union believed that the burden of proof must be more than a preponderance of the evidence due to the seriousness of the charge. The Arbitrator ruled that the Grievant did not have justifiable cause and sustained 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 violating the Organization’s policies, rules regulations and/or procedures regarding two alleged incidents and was terminated. The Union argued that the termination was unjust, as the punishment did not fit the crime due to the illness of the Grievant. After reviewing the case, the Arbitrator conclud ed that the Grievant was unjustly terminated. Having concluded that the Grievant’s termination was unwarranted, the Arbitrator reinstated the Grievant and ordered that she be made whole for lost earnings. This case also was handled by SMART GO-875 General Chairperson John Ellis.

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!

www.smart-union.org/td • www.utuia.org
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 to the north and the rest of the developed world. SMART has engaged with the members in the industries impacted by COVID-19 and has provided meaningful dialogue with them regarding issues impacting SMART members.

Sellers column: Biden has proven support to union cause

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 comprehensive 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 prearranged 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 face 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 developed world, which is now seeing a return to normalcy. 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 dialogue with them regarding issues impacting SMART members.

SMART has engaged with and listened to SMART members 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 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 dedicates himself 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.

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 testing that you need to do your jobs without risk or fear. You deserve a safe workplace — and an administration that actually enforces 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 stand 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.

SMART-TD officers and members of Local 23 (Santa Cruz, Calif.) have been the keeper of union brothers and sisters to the north and the rest of the developed world. SMART has engaged with the members in the industries impacted by COVID-19 and has provided meaningful dialogue with them regarding issues impacting SMART members.

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 comprehensive 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 prearranged 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 face 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 developed world, which is now seeing a return to normalcy. 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
General chairperson’s column discusses unionism, Biden

Adren Crawford

General Chairperson
GO-433
Canada National
Illinois Central

Op-ed column discusses unionism, Biden and General Motors.

Saving ventilators at Ford with members building life-saving ventilators at Ford and General Motors.

Auto Workers are now part in the world.

The most productive nation to the COVID pandemic with members — are responding.

Men and women — union dent, they’ll be stronger.

Union workers’ courage stands in stark contrast to the behavior of corporations and anti-labor politicians who have spent decades wasting war on organizing and collective bargaining.

The predictable results: Stagnant wages, loss of pensions, and exploitation of workers.

As president, Joe Biden intends to correct these inequities.

He will:

• Check the abuse of corporate power and hold executives accountable.

This means penalizing employers who pretend to bargain with employee unions while sidestepping meaningful agreements with their workers and also ensuring that federal dollars don’t flow to employers who engage in union-busting activities.

• Encourage and incen-

tize unionization and collective bargaining.

This means extending the right to organize to independent contractors in a fast-growing segment of the economy, enforcing workplace rules for federal employees, and making sure that the National Labor Relations Board does its job in supporting workers.

• Ensure that employees receive the pay, benefits, and protections they deserve.

This means making the minimum wage an actual liv ing wage, directing the Occupational Safety and Health Administration to expand its enforcement of workplace-safety laws, and protecting undocumented immigrants who report labor violations.

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 broth ers and sisters of color to listen, reflect on our own actions, and recommit ourselves to the fight for eco
nomic and social justice.

When we emerge stronger after the multiple crises fac ing our nation, let’s remember the critical role that the American labor movement played in both our economy and our society.

Finally, let’s support Joe Biden for president and renew our commitment to labor — and let us never for get the individual workers who pulled us through this crisis and led 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.

Class I rail carriers file their second-quarter earnings reports

Net Earnings: Decreased to $908 million from $1.25 billion.

Earnings Per Share: Diluted earnings per share decreased 59% to $0.65 from $1.88.

Revenue: Decreased 19% to $3.21 billion from $3.96 billion.

Operating Income: Decreased 53% to $785 million from $1.27 billion.

Operating Expenses: Increased 6% to $2.42 billion.

Operating Ratio: Declined 19 points to 75.5%; adjusted operating ratio declined 2.9 points to 60.4% from 57.5%.

Net Earnings: Decreased to $635 million from $724 million.

Earnings Per Share: Diluted earnings per share decreased 10% to $4.66; adjusted diluted earnings per share decreased 5% to $4.30.

Revenue: Decreased 9% to $1.79 billion from $1.98 billion.

Operating Income: Decreased to $770 million from $870 million.

Operating Expenses: Decreased to $1.02 billion from $1.16 billion.

Operating Ratio: Improved 140 basis points to 57%.

Net Earnings: Decreased to $499 million from $870 million.

Earnings Per Share: Decreased to $0.65 from $1.08.

Revenue: Decreased 26% to $2.26 billion from $3.06 billion.

Operating Income: Decreased 37% to $828 million from $1.31 billion.

Operating Expenses: Decreased 19% to $1.43 billion from $1.76 billion.

Operating Ratio: Declined 5.9 points to 63.3%.

Net Earnings: Decreased to $109.7 million from $128.7 million.

Earnings Per Share: Decreased to $1.16 per diluted share from $1.28.

Revenue: Decreased to $547.9 million from $714 million.

Operating Income: Decreased to $180.4 million from $208 million.

Operating Expenses: Decreased to $367.5 million from $506 million.

Operating Ratio: Improved 3.8 points to 67.1% from 70.9%; adjusted operating ratio worsened 1.5 points to 65.2% from 63.7%.

Net Earnings: Decreased to $392 million from $722 million.

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.

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! (Be 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 insp-iration through the workers blood shall run, there can be no power greater any-where 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 fami-lies 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 disengaged in supporting labor’s goals, but feed into the rhetoric of right-wing politi-cians 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 cuts 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 Represen-tatives 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 sup-port your union, you’ll get taken by some bull— 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 buying 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 chair-man of the Union Veterans Council sponsored by the New Jersey State AFL-CIO.

LOCAL OFFICERS: SEPT. 18 IS TIMEBOOK DEADLINE

All locals must complete a timebook order form and return it to the SMART TD office by Sept. 18, 2020. It’s important that the form is completed by a local officer even if the local does not desire to receive the books. Locals will be contacted if a form is not received. Local officers also may return the form — available on the TD website by following the QR code above — by any one of the methods listed below.

Fax to: 216-227-5208 — ATTN: Dora Wolf
Email to: dwolf@smart-union.org
Via mail to:
SMART TD
ATTN: Dora Wolf
24950 Country Club Blvd, Ste. 340
North Olmsted, OH 44070-5333

A confirmation email will be sent to acknowledge receipt of your order — if you do not receive the email within 10 days of submission, please call 216-228-9400 and follow the menu prompt for the Updating Department. We also want ideas and feedback on how this office may improve the books. Please submit any feedback to Dora Wolf by Sept. 4, 2020.

TD leaders provide input in ‘Green For All’ report on transit

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 their experiences. SMART-TD members are having during the pandemic as well as protective steps.

“ paved by the need for Union members. 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/.

GUEST COLUMN

DiLeo

American Products has protective masks

Bulk quantities of facemasks are available through American Products Inc., an endorsed SMART Transportation Division vendor. There are two style options — one with a washable filter insert and a second single-layer cloth mask. These are customiz-able and available in minimum quantities of 50 from the vendor. Contact Sherry Schirripa (sschirripa@comcast.net) or Vicki Harrington (vharrin-ton@atc-ny.com) if interested in placing an order. Visit smar<td>merchandise.com for more information.

SMART Transportation
Division Bus Department
Vice President Alvy Hughes and
General Chairperson John Ellis (GO-875 — LACMTA)

Visit www.smart-union.org/td • www.utuia.org
To be eligible for accelerated benefits, 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. The PUA program is administered by individual states, not the RRB. For eligibility information, and to find the application process in each state, please visit careerfinder.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 $80 for each two weeks of unemployment or sickness. Sickness benefits payable for the first 6 months after the month the employee last worked are subject to Tier I Railroad Retirement payroll reductions, should they be 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 resulting Oct. 1, 2020. Future reductions, should they occur, will be calculated based on annual payment.

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 benefit.
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 Army Air Corps 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 during his retirement periods. Brother Szabo often led him to hustle second jobs: He sold autos at Ford dealerships, owned gas stations, worked at the Chicago Board of Transportation, 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 Dighton Elks. Active in community affairs, he earlier in life. He was a member in the chorus at the Hartsfield Village Retirement Community.

He is survived by his loving children, Jo Carol (Thomas), decd. Clark, Susan (Richard) Stapples, Peggy Szabo, former Federal Railroad Administrator and Illinois State Legislative Director, and Lyle J. Spratt, (Northlake, Ill.) and Clark (Diana) 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

1. Any person covered by a UTU, now SMART, union shop or an agency shop agreement in the States who elects to be a non-member has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay reduced fees. In the public sector, nonmembers can elect to pay their fair share of the costs of collective bargaining by paying the agency fees, or they have the right to opt out.

To the extent permitted by law, a non-member cannot participate in most collective bargaining activities?related to arbitration, and discussion with employees in the workplace. A non-member cannot become a party to an arbitration hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed not later than fifteen days after the last day in the period.

A non-member objector shall be entitled to attend hearings only if he/she first begins paying fees and receives notice of a hearing for which the non-member is entitled to object. Non-member objectors who object to arborization home address. Once a non-member objector, the objector shall stand with no objection to employment actions only by individual employees. No petition objections will be honored.

a. A nonmember fee objector and pay reduced fees, the objection non-members shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail postmarked during the period agreed to in his/her Authorization for Fee Deduction form. If applicable, the objection shall contain the objector’s current home address. Once a non-member objector, the objector shall stand with no objection to employment actions only by individual employees. Notice objections may be made by individual employees. No petition objections will be honored.

b. A nonmember fee objector and pay reduced fees, the objection non-members shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail postmarked during the period agreed to in his/her Authorization for Fee Deduction form. If applicable, the objection shall contain the objector’s current home address. Once a non-member objector, the objector shall stand with no objection to employment actions only by individual employees. Notice objections may be made by individual employees. No petition objections will be honored.

c. A nonmember fee objector and pay reduced fees, the objection non-members shall provide notice of objection by notifying the President, Transportation Division of the objection by first-class mail postmarked during the period agreed to in his/her Authorization for Fee Deduction form. If applicable, the objection shall contain the objector’s current home address. Once a non-member objector, the objector shall stand with no objection to employment actions only by individual employees. Notice objections may be made by individual employees. No petition objections will be honored.

2. The following categories of expenditures are chargeable:

a. All expenses concerning the negotiation of agreements, prac-

b. All expenses concerning the administration of agreements, prac-

3. The following categories of expenditures are chargeable:

a. All expenses concerning the negotiation of agreements, prac-

b. All expenses concerning the administration of agreements, prac-

4. SMART H1 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 accountant for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures that fall within the categories specified in Section 3 shall be the basis for calculating the reduced fees that must be paid by the objector. The analyst shall also give an explanation concerning the adequacy of the escrow amounts maintained pursuant to Section 17, and later will verify the adequacy of the escrow amounts maintained pursuant to Section 17.

5. The analyst shall complete the report no later than August 31. This report shall include an analysis of the major categories of union expenditures that are chargeable and non-chargeable.

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 filed by mailing a letter to the President, Transportation Division postmarked not later than fifteen days after issuance of the analyst’s report.

7. After the close of the appeals period, the President, Transpor-

tation Division shall provide a list of amounts to the American Arbitration Association. All appeals shall be considered. The AAA shall appoint an arbitrator from a special panel maintained by the AAA for the purpose of the arbitration. The AAA shall form the President, Transportation Division and the appellant(s) of the arbitrator selected.

8. The arbitration shall commence by October 1 or soon thereafter. The arbitrator shall have control over all procedural matters affecting the arbitration to fulfill the need for an informed and expeditious arbitra-

9. Each party to the arbitration shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator’s fees and expenses. The balance of such fees and expenses shall be paid by the Transportation Division.

10. A court report shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the appellants. If appeals do not purchase a copy of the transcript, a copy shall be available for inspection at the Transportation Division during normal business hours.

11. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants shall not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed not later than fifteen days after the last day in the period.

12. The arbitrator’s fees and expenses shall be paid by the appellant. The balance of such fees and expenses shall be paid by the Transportation Division.

13. Any party to the arbitration who mails a copy of the arbitrator’s decision to the arbitrator shall be charged the cost of mailing the copy. Such costs shall be calculated on the basis of the actual cost of mailing. The arbitrator shall forward the copy of the decision to the Transportation Division.

14. When the decision of the arbitrator is announced the new escrow account shall be distributed in accordance with the decision.
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 44070-5131. High-resolution digital photographs should be in JPEG format and emailed to news_td@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.

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

SMART TD Alumni Association member and retired conductor William W. Webb (Local 1241 — Richmond, Calif.) got a picture of this Union Pacific train eastbound along the Umatilla River inStanfield, Ore., last year.

UTUIA congratulates its 2020 scholarship winners!

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

College Scholarship Winners

DISTRICT 1

‘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
(Az., Fla., Ga., Ky., Miss., N.C., S.C., Tenn., Va., W.Va.)

DISTRICT 4
(Ind., Mich., Ohio)

DISTRICT 5
(II., Wis.)
Anna G. Marriott, granddaughter of Patrick Murray, Local 1296, Beardsenton, Ill.; Abigail E. Bonnstetter, granddaughter of Earl Bammer, Local 1692, Belleville, Ill.; Amy E. Orona, daughter of David Orona, Local 1895, Tinley Park, Ill.; Ashley N. Stegmann, granddaughter of Roger Stegmann, Local 1402, Steeleville, Ill.

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

DISTRICT 7
(Iowa, Kan., Minn., Me., Neb., N.D., S.D.)

DISTRICT 8
(Ariz., Calif., Colo., Nev., N.M., Utah)
Javier Hernandez, son of Herminio Hernandez, Local 1608, Los Angeles, Calif.; Nikell J. Woodland, granddaughter of Rick Wall, Local 238, Ogden, Utah; Trinity R. Weidinger, great-granddaughter of Harold Argertinger, 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.; Makaielah Murray, daughter of Ronny Murray, Local 239, Stockton, Calif.; Sara J. Noll, daughter of Gregory Noll, Local 945, LaJunta, Colo.; Emily C. Beckera, daughter of Sandra Pineda, Local 1563, Pomona, Calif.; Samuel J.C. Iwasa, son of Corey Walker, Local 24, Lancaster, Calif.

DISTRICT 9
(Alaska, Idaho, Mont., Ore., Wash., Wyo.)

Trade Scholarships


Congratulations and best of luck from