Saluting military service

By Joseph Toohey
Veterans Service Officer, SMART-TD Local 262

There are many entities that have contributed to the building of America. Two of them are union labor and military veterans. I come from a long line, and am proud to say I hold the titles and the benefits of both. More importantly, because of my membership in both, I know that the military veteran/union member has specific entitlements and benefits that are available to them and the dedication of unions that support their service.

It was in the spirit of this support that John McGrath, local chairperson of SMART-TD Local 262 in Boston, asked me to assist with veteran benefits and support in mid-2019. This request grew to the formation of a new position in the local: veteran services officer. We worked together on the occasional issue or advice somebody needed, made sure our veterans were afforded all their entitlements and maintained a library of resources, including Employer Support of the Guard and Reserve (ESGR) guidance.

However, one thing gnawed at John and I — Amtrak had a stalled GI Bill on-the-job (OTJ) training program and veterans were not getting access to their earned benefits. John reached out across Amtrak and that search turned up Richard Skolnekovich, a road foreman and veteran, who was also trying to get the program back up and running. Working in unison, we were able to reopen the program despite the COVID crisis. To explain in greater detail, when a man or woman enters the service of this nation, if qualified, they are offered enrollment into the Montgomery GI Bill program. The intention of this program is to give them a well-deserved start in life after their service by offering a diverse package of educational benefits. When you say “GI Bill,” often you think of traditional brick-and-mortar education. However, the program does extend to on-the-job training and apprenticeships, including on-the-job training for assistant conductors and student engineers, providing benefit support until they are fully qualified for their job.

Veterans: Please update your information online

Many of our union brothers and sisters in the SMART Transportation Division have served in the military, and some continue to bravely serve. SMART-TD is in the process of accumulating definitive records about members who have served in the military — whether they served, what branch they served in or when they served.

To accomplish this, we ask our members to update their veteran’s status by using a new Member Info Update form online. Please follow the QR code accompanying this article with your smartphone to do so.

Veterans who update their information will be notified of future exclusive programs and information focused on veterans. The first step was taken April 20 with the addition of a Veteran Services Representative in both Amtrak’s eastern and western regions at SMART-TD Local 1397 in Columbus, and a father to five children, lost his life in an accident the morning of Nov. 22 at the CSX yard in Fostoria, Ohio. Brother Payne, a conductor for eight years, was at work setting out a cut of cars in the yard when he was fatally injured. His death is under investigation.

Brother Payne was also a sergeant in the Ohio Army National Guard. “Paul was a dedicated husband, father and son that loved nothing more than spending time with his family,” his family wrote in his obituary. He is survived by his wife of 19 years, Haley (Davis) Payne; his children, Shawn, Jacob, Marcus, Lily and Sarah; his...
Support needed for bill to eliminate sequestration cuts to RRB benefits

U.S. Senators Rob Portman (R-Ohio) and Amy Klobuchar (D-Minn.) introduced S. 4860, the Railroad Employee Retirement Equity and Fairness Act of 2021. The RRB announced in September an additional sequestration benefit reduction in the amount of 5.7% for fiscal year 2022. Some of our interstate railroad workers’ payroll taxes are diverted to the RRB, unemployed railroad workers are not eligible for federal unemployment insurance benefits, which was not subject to the sequester. This resulted in railroad workers taking a cut in expected benefits that the general public was not subject to. This is particularly concerning during the ongoing COVID-19 pandemic. In 2019, the RRB received 35,030 unemployment claims. As of September 2020, it has received 133,999 claims, nearly a fourfold increase. “I am proud to introduce this bipartisan legislation to ensure that unemployed railroad workers receive fair and equal unemployment benefits. This legislation would remove the harmful sequester that largely singled out railroad workers’ unemployment benefits during the ongoing COVID-19 pandemic. The COVID-19 pandemic has caused nearly five times as many Ohio railroad workers to lose their jobs through no fault of their own and I urge my colleagues to join me in ensuring they are eligible for the same full unemployment benefits as all Americans,” said Portman. “Our workers are facing enormous challenges due to the coronavirus pandemic and railroad workers have been hit particularly hard,” Klobuchar said. “This legislation ensures railroad employees are eligible for the same benefits as other workers and will help them get through these trying times.” S. 4860 was read twice before the Senate Oct. 26 and referred to the Senate Budget Committee. No other actions have taken place. The bill currently has nine cosponsors, including Sens. Portman and Klobuchar.

SMART Transportation Division mourns the loss of six active members to accidents, COVID-19

Continued from Page 1

Brother Joe, co-workers shared:

“Joe always would show up to work with a smile and a genuine greeting, so even if you were having a bad day, he always seemed to bring out the best in you.”

“He was a great switchman and better friend.”

Christopher Bruce Skaggs, 49, of Mammoth Spring, Ark., died Monday, Oct. 26, 2020, at Fulton County Hospital in Salem, Ark. Brother Skaggs was a former president of Local 607 (Thayer, Mo.) and a former legislative secretary of the Missouri State Legislative Board.

Ramon Gamez, a Local 1563 (El Monte, Calif.) member, passed away from COVID-19 on Aug. 21 at age 55. A Los Angeles County Metropolitan Transportation Authority worker, Brother Gamez worked out of Division 3202 and was hired December 21, 1997. Well-liked by his co-workers, Brother Gamez was a great family man and is survived by his wife, Sonia Gamez; daughter, Alejandra Gamez; and son Ramon Gamez Jr., a TD member out of Local 1565. Brother Gamez loved to play chess, take trips to the lake, go to Las Vegas and go to the movies with his family.

“He was very friendly and outgoing and will truly be missed.” General Chairperson John Ellis said. Local 556 (Tacoma, Wash.) is mourning the loss of one of its officers.

Clayton Hoffman III, SMART General Secretary-Treasurer and chairperson of GCA-TMB (Tacoma Municipal Beltline) and local chairperson of LCA-TMB1, died in a fatal traffic accident Oct. 9. He was 43 years old. He had been a member of the union since April 2004. He became GC on Oct. 1, 2012, and immediately set to work, said current Local 556 President Bill Price.

“During his time, Clayton negotiated one of the best contracts in short history for his members and brought those members to a livable wage,” Price said.

Price said that Hoffman was a fierce representative of his fellow members. Local 556 brother Cody Henderson, local chairperson of LCA-001, had this to say about his fallen brother: “He was union leadership powerhouse and a union leader I looked up to.” SMART-TD shares in the sorrow caused by the loss of these members. They all will be missed and not forgotten.

DIPP assessments scheduled to decrease on Jan. 1

The SMART Transportation Division Disciple Income Protection Program (DIPP) announced its monthly assessments from 96 cents to 81 cents per $1 of daily benefits, effective Jan. 1, 2021. Because the President in the Plan may elect to increase their benefit level or modify their coverage at any time by submitting the appropriate form to the Transportation Division office. This announcement is informational and no action is required on the part of participants at this time.

DIPP trustees are SMART General President Joseph Bowers Jr., SMART General Secretary-Treasurer Joseph Powell and SMART-TD President Jeremy R. Ferguson.

Local 262 helps members by linking military veterans to the benefits that they deserve

Continued from Page 1

Our union will be part of the future of this program. The veteran service officer seat will be maintained as a point of contact and that person will support the GI Bill OTJ program as well as continue and strengthen the union’s general support of its military veteran members, to include ESGR resources. Using the infrastructure that already exists in the SMART-TD organization, military veterans can be kept informed and have channels for assistance concerning issues, support and applying for their earned benefits. We hope for its continued success and growth.

SMART-TD leadership made clear needed efforts to continue and strengthen the OTJ program as well as connect, support and applying for assistance concerning issues, support and applying for their earned benefits.

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Saying

DIPP

Union

General

Secretary-

Treasurer

Joseph

Powell

President

Jeremy

R.

Ferguson

Joseph

Bowers

Jr.

Local 262 helps members by linking military veterans to the benefits that they deserve

Continued from Page 1

for us now?

mother; sister; and paternal grandmother.

Ryan Sandy, 37, a member of Local 662 (Richmond, Va.), and former local chairperson of LCA-201C, was killed in an on-the-job accident Monday, Oct. 12 in the Acca Yard in Henrico County, Va.

Sandy had been a member of our union since February 2009 and was a CSX conductor.

Brother Sandy leaves behind his wife and best friend, Kate, and his children, Jayden, Shannon, Kasen, Jasper and Henry.

The National Transportation Safety Board has launched an investigation into his death, marking a change brought about by the insistence of SMART-TD safety leaders.

A number of worker fatalities over the past two years involving union workers went without an NTSB-led investigation, a situation that SMART-TD leadership concluded needed changed.

Jose “Joe” Alfaro, a member of SMART Transportation Division for more than 15 years, died from COVID-19 on Oct. 13. He was 58 years old.

Brother Alfaro was a member of Local 19 in El Paso, Texas, and worked as a trainman/brakeman for Union Pacific. He leaves behind his wife of 22 years, Ruana and four children: Avan Brian, Mia Brianna and Robert.

When asked to describe Joe, co-workers shared: “Joe always would show up to work with a smile and a genuine greeting, so even if you were having a bad day, he always seemed to bring out the best in you.”

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Members turn out to protest Amtrak cuts

In its preliminary financial report released in late November, Amtrak said that the COVID-19 pandemic has reduced ridership on the national passenger carrier by about 75% from pre-COVID levels.

While Amtrak leadership expects a slow rebound in ridership, with forecasts seeing an increase to about 40% of pre-pandemic levels by the close of the 2021 fiscal year as COVID-19 abates, the coronavirus has been a massive financial shock to the carrier.

“Our dedicated employees continue to work tirelessly through the pandemic to keep this country moving, advance critical infrastructure and update technology and services, and provide safe transportation to customers,” said Amtrak’s William Flynn. “However, without additional funding for 2021, we will be forced to further reduce service, defer critical capital projects and make more job reductions despite this important progress.”

The Republican-controlled Senate did not act on a pair of bills — the HEROES Act and the Moving Forward Act — passed by the U.S. House of Representatives that would have provided additional emergency funding for Amtrak to maintain employment and service levels as the nation continues to cope with the coronavirus. Instead, funding was maintained at 2020 levels by Congress.

In reaction to not having the nearly $5 billion needed to maintain operations, carrier leadership reduced daily long-distance routes to three trips a week and cut about 2,000 unionized jobs at one time. “We bust our butts, day in and day out,” said SMART General President Joseph Sellers Jr. “And we need Congress to make sure that they pass the HEROES Act.”

Sellers pointed out that Amtrak management is restarting their salaries and 401(k) contributions and that Amtrak management has restrucutred their bonus program to better benefit themselves.

“We’re not going to be in the streets tomorrow!” said SMART General Secretary-Treasurer Joseph Powell. “You are moving our essential workers. To protect you. To protect essential workers. To protect this country and for Amtrak, didn’t you? How did you get paid? With the threat of furlough tomorrow, right? Two thousand people could be in the streets tomorrow!”

Ferguson also pointed out that Amtrak management is restarting their salaries and 401(k) contributions and that Amtrak management has restrucutred their bonus program to better benefit themselves.

“We’re not going to be in the streets tomorrow!” said SMART General President Joseph Sellers Jr. “We’re not going to stand for that! Not when you gave up your pay raises to protect this country and this service! Unheard of! So, let’s get busy out there! Let’s get fired up!”

SMART General President Joseph Sellers Jr. spoke outside the U.S. Capitol in Washington, D.C.

“You are our essential workers. You are moving our essential workers. Every day, to the hospitals, to the first responders, to the police. You are moving America! We need to continue to make sure that you have the funding, to continue to make sure that you continue to move America through this pandemic! We need you! And we need Congress to make sure that they pass the HEROES Act.”

Sellers pointed out that the HEROES Act, or H.R. 6800, was relaunched on May 15, 2020, and has yet to be voted on by the U.S. Senate. “We need to make sure that the new relaunched HEROES Act is passed. To protect you. To protect essential workers. To protect the job that you do, day in and day out,” Sellers said.

Sellers concluded his fiery speech by thanking our essential Amtrak members, “I want to thank you for the work that you do, and Congress should be thanking you for the work that you do day in and day out! We need the Senate to make sure that they take this seriously. The White House is dragging their feet. That is unacceptable! Thank you, brothers and sisters. We are going to make a difference and we are going to effect change.”

SMART-TD Alternate National Legislative Director Jared Cassity was also featured in a report that aired on Fox 5 News in D.C.

Prior to the COVID-19 pandemic, the carrier had expected to break even for the first time in its history during the 2020 fiscal year, which ran from Oct. 2019 to Sept. 2020.
**Congress must act on bills for healing to start**

By Joseph Sellers Jr.

Brothers and sisters,

With the 2020 presidential election finally completed, we can see that the American people have spoken loudly and clearly.

The record-breaking number of Americans who voted includes a surge of SMART members. You exercised your right to vote and to have your voice be heard.

I believe we can all agree that this election was a success, especially with the record turnout in the midst of a pandemic. We are in the most-dangerous period of the worst public health crisis experienced in our country in generations. It is long past time to lead and to focus on the safety, health and the family economics of the American people.

While SMART members can look forward to a new Biden-Harris administration that pledges to put working families first, this election was just a first step.

This new administration needs to focus on recovering from the brutal pandemic that continues to worsen with each passing week.

The incoming administration has pledged to do so. On top of that, it needs to focus on economic recovery after the sharp decline that occurred due to the poor U.S. response to the spreading pandemic.

This includes the passage of the HEROES Act, the Moving Forward Act and the RFP Act — now, during this current Congress — to provide relief to millions of working families who are suffering from severe unemployment, underemployment and the current economic decline.

The first two bills were already passed by the U.S. House of Representatives on May 15 and July 1, respectively, but the Republican-controlled Senate has failed to act on this legislation.

Now, our nation’s health and the economic fallout from their inaction continues to intensify and is having an adversarial effect on all working families, including SMART members.

The RFP Act, Railroad Employee Equity and Fairness Act, provides that payments made from the Railroad Unemployment Insurance Account shall not be subject to reduction with respect to unemployment compensation for qualified railroad employees, especially during the unprecedented times we face today. Railroad operators and transportation workers who are essential to keeping our economy going should not be punished for the past inaction of our legislators.

According to Amtrak, the pandemic has reduced ridership on the national passenger carrier by about 75% compared with pre-COVID levels. This is causing a massive economic shock that has resulted in the furlough of 2,000 Amtrak workers. In addition to this, vital two-person crew legislation protecting members and the communities we pass through and protect from our bus and transit operators who serve on the frontlines ensuring essential workers can get to and from work are included within the Moving Forward Act. All of these measures need to be passed and not a moment too soon.

The time has come for the majority Republican Senate to listen to the voice of the American people, who voted for a return to normalcy and common-sense legislation that places workers above the interests of the well-connected. It is the only way to put our country back on track toward a stronger, healthier and more-prosperous nation that works for all Americans.

If you or your family are struggling with mental health, addiction, suicide and now the additional stress of this pandemic, please know that you are not alone. Contact our Employee Assistance Program (EAP) or Members Assistance Program (MAP).

You also can call United Behavior Health at 866-850-6212 if you or your family are experiencing overwhelming challenges.

Someone will be available to answer seven days a week, 24 hours a day.

From my family to yours, happy holidays and a joyous New Year! Please stay safe!

Fraternally,

Joseph Sellers Jr. General President, SMART

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**Bus Department News**

A message from your Bus Department leadership

By Calvin Studvant

Brothers and sisters, let me start off by wishing all of you and your loved ones a healthy and happy holiday season. As we continue to navigate the troubling times that we face as a nation, it remains that the most critical factor is at the top of the list of essential workers who have not been given the necessary support that they rightfully deserve.

Hopefully with a new president, we will be able to put partisan politics in the rearview mirror and get down to delivering the aid the bus industry so desperately needs.

Because of the pandemic, our industry has suffered the most: furthest needs. We still face assaults and overzealous transit agencies that put profit over safety and the well-being of their employees.

Many speak of holidays not being the same this year because of the pandemic and not being able to hold family gatherings for fear of COVID infections. For bus operators, that is normal when you are employed in an industry that runs 365 days a year.

With the added economic hardship that our industry faces, lawmakers’ lack of support is all the more disappointing to us.

Our Legislative Department in Washington, D.C., and President Jeremy Ferguson have been working hard to help get this passed, and for that I’m thankful — we will continue to work tirelessly to get the resources available to our membership as quickly as we can.

We also are continuing to voice concerns to the Department of Health and Human Services that want to use hair samples as part of drug testing protocols. We oppose this and will continue to keep the membership updated as to where this will end up.

I hope you and your families will continue to remain safe and healthy as the holidays and a new year approach.

In solidarity,

Calvin Studvant
VP Bus Department, SMART-TD
216-630-0963

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**State Watch**

News from SMART TD State Legislative Boards

**New Jersey**

Gov. Phil Murphy signed into law S-2380, which retroactively protects essential workers, including SMART-TD bus members, during the pandemic.

Essential employees’ workers’ comp claims are the most furthest workers and closures by carriers have contributed to the loss of health care, the depletion of savings accounts and harm to numerous other benefits that we have worked so hard to get.

All this has occurred while members of Congress bicker over doing the right thing. The Coronavirus Aid, Relief and Economic Security Act (CARES) was merely a Band-Aid on a wound that required stitches. While needed, it did not go far enough in addressing the losses faced by workers in the bus industry. Many of our brothers and sisters who work in the school bus and contracted commuter service fields have yet to get any aid.

The Coronavirus Economic Relief for Transportation Services Act (CERTS) would provide much-needed assistance in those sectors. Both Democratic and Republican lawmakers have signed off, but as of this writing they have not voted to pass it. The bill earmarks money that would provide paychecks, allow the workforce to regain some normalcy and to allow for health care during this horrific time.

We are frontline workers who have navigated this storm from day one. We continue to provide safe rides for passengers, all the while running the risk of being infected and taking that infection home to the ones we cherish the most.

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**Missouri**

State Legislative Director Jason Hayden was sworn in Nov. 10 on the Missouri AFL-CIO Executive Board. He was appointed by Missouri AFL-CIO President Jacob Himmel. Hayden, of SMART-TD Local 1405 (St. Louis), was elected Missouri SLD in January 2016, and re-elected to his second term in April 2020.
As I wrote in the last issue of the TD News, from a legislative perspective, the election of Joe Biden in early November unlocks the door to a realm of opportunity. But before I get into what the president-elect and his new administration could mean to us, I want to thank all of you who helped to get out the vote and ensure that a new, disciplined administration focused on the needs of all American workers would come into office. Our union pulled together and made a big difference all across the country to get our voices heard.

I will say that the work isn’t quite finished, as Georgia State Legislative Director Greg Ferguson will attest. Control of the U.S. Senate could change thanks to that state, paving the way for increased attention to bills that help workers as a whole, including our bus and rail members. We’re going to put forth a big effort on both the Sheet Metal and Transportation Division sides to get the candidates most favorable to labor elected there come January. As we head into the start of a new year and a Biden presidential administration, launching a COVID-19 safety report online and formed a task force to handle the issues presented. It was an all-hands-on-deck approach with all departments and officers working diligently to hold the carriers accountable when the Centers for Disease Control and Prevention (CDC) guidelines were not being followed. (As a note, this resource remains available as the pandemic persists.) Our members also took action by providing sanitizer, cleaning products and masks to co-workers, taking the initiative to supply protection when federal and state regulators and billion-dollar corporations shamefully did not. Sadly, our efforts weren’t always enough. Some of our members and retirees succumbed to the virus. At the time of the writing of this message, we’ve received reports of at least 17 COVID-related deaths among TD active members and retirees. Along with their families, friends and local brothers and sisters, our union feels the loss of these dedicated and irrereplaceable members of the SMART Transportation Division. May they rest in peace.

The losses and challenges this past year have tested us — yet, in the very definition of unity, we’ve stuck together. I could not be prouder of our organization, and we never shielded away from the fight and kept pushing forward, no matter the obstacle or task. As essential workers, you have worked, undaunted, through the many waves of COVID, transporting the vital goods and people needed for this country to survive. You along with many other essential workers are true heroes in my eyes.

Although an absolute victory over COVID-19 has not come this year, 2020 has not been without victories for SMART-TD in court, in Congress and at the ballot box. The attack on crew consist mentioned earlier was eventually defeated in court. A ruling on Kansas City South- ern’s treatment of cross-border crew also was yet a second victory for labor. A national two-person crew bill passed one chamber of Congress for the first time as part of the U.S. House’s Moving Forward Act after never having made it past the committee level previously. To top all of this off, earlier this month, our endorsed candidate, former Vice President Joe Biden, was elected to the office of president of the United States. It is wishful to think that the current against us is going to get weaker in 2021 — as we still face the ongoing and continuous federal freight rail contract negotiations, and the control of the U.S. Senate remains up for grabs and with it, perhaps, the fate of any bus and transit protection or national two-person-crew legislation. Yet, Biden and his incoming administration present the potential for a much-needed positive change in the landscape when it comes to labor relations in this country. He promised to remove more of the anti-worker policies that have been installed over the last four years and instead provide protections for all unionized workers.

Biden has promised a large infrastructure and public transportation improvement plan that includes a “Second Great Railroad Revolution” for our country. Unlike the last four years, we will have a seat at the table, and our opinions and voices will be valued and heard. Rest assured, we will not be silent and will hold him to this promise.

It has taken our collective grit, solidarity and determination to move forward through all the challenges of 2020. In 2021, we look to continue to build a stronger, better and more unified organization. With the support of all of you, our union will lead. We will not be intimidated. We will not turn away from the fight, and we will persevere. Please be safe, and take all of the recommended health and safety precautions regarding COVID to heart. We have lost too many already. I would also be remiss if I did not remind everyone that, even in a non-pandemic year, historically from the week before Thanksgiving to the week after New Year’s Day is the most dangerous-time of the year regarding transportation accidents, injuries and fatalities. The best gift we can give our loved ones is to return home safe, sound and healthy.

God bless all of you, and I wish you and your families the absolute best this holiday season and going into the new year.

Fraternally,

President,
Transportation Division

TRANSPORTATION DIVISION NATIONAL LEGISLATIVE DIRECTOR’S COLUMN

Victory by Biden opens door for our issues to be heard in D.C.

As we head into the start of a new year and a Biden presidential administration, 2020’s tests are overcome as we continue ahead
To Get Your Say, Give a Dollar a Day!

“We are under the greatest attack of our careers. PAC is more important than ever. If we had every member contributing at the dollar a day level, we would have more PAC than the railroads and that would be a game changer. If not now, when?”

— National Legislative Director Greg Hynes

PAC contributions for 2020

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Top 10 Locals

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Average monthly PAC contribution per local member

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<td>1617</td>
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Your top-performing local legislative representatives

- Jason T. Doering, Local 1014
- Robert K. Morgan, Local 1024
- Eric A. Stenger, Local 1729
- Kenneth L. Friend, Local 508
- Richard C. Andrade, Local 1014

Give a Dollar a Day!

$30.42/month ($365/yr.)

24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333
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 reported 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 upon from the First Division, the cases referenced below are of significant interest:

- In NRAB First Division Award No. 30320 (Deinhardt, 2020), Union Pacific terminated a trainman for allegedly using her cellular phone in her pocket while working. In this case, the carrier sheltered to the notion that the claimant’s conduct violated General Code of Operating Rules (GCOR) No. 2.21: Electronic Devices. Citing the literal definition of the term “stow,” the board maintained that the claimant’s belief that placing her cellular phone in her pocket was a proper method to stow her phone was not unreasonable. For that reason, the board reduced the claimant’s termination to a six (6) month suspension, with back pay for the balance of her time out of service. GO-953 General Chairperson Luke Edington, GO-953 Associate General Chairperson Ian Reynolds and GO-953 Senior Vice General Chairperson Zach Nagy progressed this case to the NRAB First Division.

- In NRAB First Division Award No. 30322 (Deinhardt, 2020), Union Pacific terminated a trainman for allegedly using an electronic device in an unauthorized manner. In terminating the claimant’s employment, the carrier claimed that his conduct was in violation with GCOR Nos. 1.13: Reporting and Complying with Instructions and 2.21: Electronic Devices. After reviewing the case, the board concluded that the carrier’s contention that the claimant violated GCOR 1.13 was unsupported by the record of the case. Turning to the carrier’s allegation that the claimant violated GCOR 2.21, the board found that circumstances existed to mitigate his perceived violation of that rule. Specifically, the board noted that the carrier conceded that the claimant had no duties responsive while his crew remained stationary on a track for a period of approximately two (2) hours; he was not in the cab of the controlling locomotive; and, the train was not moving during the time frame at issue. Based on the totality of these circumstances and factors, the board concluded that permanent dismissal from service was excessive. In light of that finding, the board reduced the claimant’s termination to a six (6) month suspension, with back pay for the balance of his time out of service. GO-953 General Chairperson Luke Edington, GO-953 Associate General Chairperson Ian Reynolds and GO-953 Senior Vice General Chairperson Zach Nagy progressed this case to the NRAB First Division.

**SMART-TD**

**Public Law Boards**

- In Public Law Board 7488, Award No. 111 (Tener, 2020), Norfolk Southern terminated a conductor’s employment on account of his alleged failure to follow instructions from a carrier officer. Although the board found that the carrier presented substantial evidence to corroborate the charge, it concluded that the quantum of discipline assessed to the claimant by the carrier was not appropriate. In determining that the level of discipline assessed was not commensurate with the offense, the board reduced the claimant’s termination to a written warning, ordering that the claimant to be reinstated to his former employment position with the carrier and awarded him full back pay for all time lost. GO-887 General Chairperson James Ball, GO-887 Assistant General Chairperson Brian Sharkey, GO-887 Secretary Nicholas Greificz, and International Vice President David B. Wier Jr. handled this case before Public Law Board 7488.

- In Public Law Board 7488, Award No. 129 (Tener, 2020), Norfolk Southern terminated a conductor’s employment on account of his alleged failure to follow instructions from a carrier officer. Although the board found that the carrier presented substantial evidence to corroborate the charge, it concluded that the quantum of discipline assessed to the claimant by the carrier was not appropriate. In determining that the level of discipline assessed was not commensurate with the offense, the board reduced the claimant’s termination to a written warning, ordering that the claimant to be reinstated to his former employment position with the carrier and awarded him full back pay for all time lost. GO-887 General Chairperson James Ball, GO-887 Assistant General Chairperson Brian Sharkey, GO-887 Secretary Nicholas Greificz, and International Vice President David B. Wier Jr. handled this case before Public Law Board 7488.

**bus arbitration report**

Vice Presidents Alvy Hughes and Calvin Studivant report that the Bus Department has received a favorable arbitration award from the Federal Mediation Conciliation Services, which is referenced below:

- In Federal Mediation Conciliation Services (FMCS) case 190708-08703 (Carr) between SMART-TD Local 1908 and First Student Inc., Buffalo, N.Y., an operator was terminated for alleged dishonesty. First Student claimed the grievant did not inform them of sick leave and medical inability to drive with their parent company. The organization argued that the grievant’s medical slip explained the leave and complied with the standard procedure of doing so with the company. The arbitrator concluded that the termination did not pass the test of “Just Cause.” The arbitrator awarded that the grievant be returned to his pre-termination status, with retroactive compensation for his lost wages. General Chairperson Debbie Orlowski acknowledged this arbitration with the assistance of Bus Vice President Calvin Studivant.

**THE INSTALLATION OF LOCAL OFFICERS**

**What is an installation ceremony?**

Installation refers to the oath that officers take upon assuming office – it’s being sworn in.

**Which officers shall be installed?**

The elected Local officers which include the positions of president, vice president, secretary and treasurer, and a board of three trustees shall be installed. If any officers, such as steward, are appointed, they should be installed according to these same procedures.

**When should they be installed?**

According to SMART Constitution Article 21B, Section 58, these officers must present themselves at a meeting within 60 days following their election and shall assume their duties on January 1.

**What if upcoming meetings will not be possible due to pandemic-related reasons?**

Local officers will assume their duties effective Jan. 1, 2021, with their installation ceremony postponed until such time as the applicable social-gathering restrictions are relaxed to permit the local to resume home meetings. Accordingly, the 60-day clock for conducting an installation ceremony should begin on whichever date the local is permitted to hold in-person meetings.

**Who performs the ceremony and what do officers pledge?**

The installation ceremony shall be performed by the ranking or the most recent past president, or if no past president is available, by a member named by the officer presiding at the meeting. The officers to be installed will be called before the installation officer who will read the following obligation as prescribed in Article 21B, Section 58, as follows:

- “I hereby pledge on your honor to perform the duties of your respective offices as required by the International Association of Sheet Metal, Air, Rail and Transportation Workers’ Constitution; to bear true and faithful allegiance to the International Association of Sheet Metal, Air, Rail and Transportation Workers, and to conduct yourself as becomes a member of the International Association of Sheet Metal, Air, Rail and Transportation Workers.”

The officers being installed shall respond: “I do.”

The installation officer shall then say:

- “Your duties are defined in the Constitution of the International Association of Sheet Metal, Air, Rail and Transportation Workers and in the bylaws of this Local. Should you need an emergency arise which is not covered by these laws, you are expected to exercise good judgment and common sense in order to advance the best interest of the International Association of Sheet Metal, Air, Rail and Transportation Workers.”

“Now you will assume your respective stations.”

www.smart-union.org/td • www.utuia.org
Local 1892, Houston, Texas

Local officers and members traveled to DeQuincy, La., in September to help with hurricane relief.

“All-in-all we fed all our railroad brothers and their families, then fed the public to a total of about 240 people, and then helped out another cooking team to feed about 200 more of the general public,” said S&T Robert Maldonado. “As the back of our SMART Army T-shirts say: ‘Building better communities’ — we’re trying to do our part!!”

Local 1597, Chicago

Bobby Hicks Jr., a second-generation railroader who served for seven years as the local’s treasurer, passed away Oct. 29 due to an aneurysm. Brother Hicks had been a member of Local 1597 since March 1, 2003.

He was 40 years old and leaves behind a wife and five children.

SMART-TD offers its sincere condolences to Brother Hicks’ family, friends and his brothers and sisters in the local.

Local 1031, Savannah, Ga.

Patricia Erickson was elected by acclamation Nov. 10 to serve as local president of SMART-TD Local 1031, becoming the first woman elected to serve in that office for the local.

“She’s a great leader in our union,” said Georgia State Legislative Director Matt Campbell, noting that Erickson contributes a dollar a day to TD PAC.

A railroad conductor for 16 years, Erickson is a RCO (remote control) foreman at CSX’s Southover Yard in Savannah.

Local 23, Santa Cruz, Calif.

Vice Local Chairperson Joe Caramico and other members of this local helped to evacuate people from the CZU Lightning Complex fires that raged in Santa Cruz and San Mateo counties in California for 38 days and destroyed more than 86,000 acres. Photo submitted by member Alma “Rosi” Gutierrez.

Locals 195, 445 and 1423, Galesburg, Ill., and Niota, Ill.

Despite COVID, our members maintained a Galesburg tradition by taking two of 10 slots in the city’s 128th Labor Day parade. With New York City canceling its 2020 parade, Galesburg now has the longest-running Labor Day parade in the U.S., Local 195 Legislative Representative Jeremy Hodges says.

SUMMARY ANNUAL REPORT OF THE SMART DISCIPLINE INCOME PROTECTION PROGRAM

This is a summary of the annual report for the SMART DISCIPLINE INCOME PROTECTION PROGRAM, EIN: 34-1031303, for the period January 1, 2019, to December 31, 2019. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

BASIC FINANCIAL STATEMENT

The value of plan assets, after subtracting liabilities of the plan, was $5,765,247 as of December 31, 2019, compared to $1,146,674 as of January 1, 2019. During the plan year the plan experienced an increase in its net assets of $5,912,121. This increase includes unrealized appreciation and depreciation in the value of plan assets at the beginning of the year of the cost of assets acquired during the year. During the plan year, the plan had total income of $15,494,587 including participant contributions of $14,639,355 and gains on investments of $875,232. Plan expenses were $9,956,466. These expenses included $694,846 in administrative expenses and $9,261,620 as benefits paid to participants and beneficiaries.

YOUR RIGHTS TO ADDITIONAL INFORMATION

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:

1. An accountant’s report;
2. Financial information and information on payments to service providers, and
3. Assets held for investment

To obtain a copy of the full annual report, or any part thereof, write or call the Discipline Income Protection Program, SMART Transportation Division, 24950 Country Club Blvd, Suite 340, North Olmsted, OH 44070-5333; telephone 216-228-9400. The charge to cover copying costs will be $13.00 for the full annual report or $0.50 per page for any part thereof.

You also have the right to receive, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report, these two statements and accompanying notes will be included as part of that report. These changes to cover the copying costs shown above does not include a charge for the copying of these portions of the report because these portions are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the plan, SMART Transportation Division, 24950 Country Club Blvd, Suite 340, North Olmsted, OH 44070-5333, and at the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to U.S. Department of Labor, Employee Benefits Security Administration, Public Disclosure Room, 200 Constitution Avenue, NW, Suite N-1513, Washington, D.C. 20210.
Increases ahead for Railroad Retirement annuities

Most Railroad Retirement annuities, like Social Security benefits, will increase in January 2021 due to a rise in the Consumer Price Index (CPI) from the third quarter of 2019 to the corresponding period of the current year.

Cost-of-living increases are calculated in both the Tier I and Tier II benefits included in a Railroad Retirement annuity. Tier I benefits, like Social Security benefits, will increase by 1.3%, which is 32.5% of the CPI increase. Vested dual benefit payments and supplemental annuities also paid by the Railroad Retirement Board (RRB) are not adjusted for the CPI Tier I. In January 2021, the average regular Railroad Retirement employee annuity will increase $30 a month to $2,936 and the average of combined CPI increase.

Vested dual benefit payments and which is the percentage of the CPI rise. Tier II Social Security benefits, will increase by 1.3%, Railroad Retirement annuity. Tier I benefits, like the Tier I and Tier II benefits included in a Railroad Retirement Board (RRB) are not adjusted for the CPI Tier I. In January 2021, the average regular Railroad Retirement employee annuity will increase $30 a month to $2,936 and the average of combined CPI increase.

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At this time, unemployment and sickness benefits are not covered in the program because of the ongoing uncertainty of additional COVID-19 relief legislation. For the most up-to-date information on these services, visit RRB.gov/coronavirus.

RRB moves pre-retirement seminar materials online in response to COVID-19 pandemic

The Railroad Retirement Board’s Office of the Labor Member is pleased to announce that its Pre-Retirement Seminar presentation is now available to view online. The program mirrors RRB presentations featured at the SMART-TD Regional Meeting and is designed to help educate those nearing retirement age about the benefits available to them, and what they can expect during the application process.

This popular program helps promote a better understanding of the RRB’s benefit programs among the railroad community, and in turn, improves the effectiveness of RRB benefit program operations. RRB was forced to alter its typical annual schedule of several seminars across the country due to the COVID-19 outbreak.

With all in-person events canceled, RRB prioritized the creation of a webinar presentation. To access the video online visit RRB.gov/PRS and click on View Pre-Retirement Seminar Presentation.

Several aspects of Railroad Retirement benefits are covered in great detail, making the entire presentation more than an hour long.

Shorter segments of the program can be viewed by selecting a seminar topic on the same web page. Available topics include: Retired Employee and Spouse Benefits, Spouse Annuities, Working After Retirement, Survivor Benefits, and Items Affecting All Retirement and Survivor Benefits.

At this time, unemployment and sickness benefits are not covered in the program because of the ongoing uncertainty of additional COVID-19 relief legislation. For the most up-to-date information on these services, visit RRB.gov/coronavirus.

SMART TD News

News and information for our retirees and members of the SMART-TD Alumni Association

Are you getting close to retirement? You can get the TD News & other benefits for just $9 a year! Call 216-228-9400, email arayner@smart-union.org or visit www.smart-union.org/td/alumni

Baltimore TV station features retiree and WWII veteran on news segment

Retiree Henry R. Rey of Local 1929 in Baltimore, was featured in a Veteran’s Spotlight segment on a WMAR-TV 2 newscast in late September. Brother Rey, 95, a veteran, retired in 1985 after working for more than 40 years on the Baltimore & Ohio Railroad. He and his wife of 70 years raised six children.

News reporter Lauren Cook highlighted Brother Rey’s career and his service in World War II fighting with the 89th Chemical Mortar Battalion. Congratulations to Brother Rey on this honor!

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 TD headquarters. These brothers and sisters will be missed by their many friends and by fellow SMART-TD Alumni Association members.

Local Name City/State Local Name City/State
31 Kudlahowski, Teddy J. Arroyo Grande, Calif. 60 Hydeck, Steve C. Tinton Falls, N.J.
212 Teller, John C. Selkirk, N.Y. 243 Fisher, Harold D. Denison, Texas
243 Thompson, Harvey D. Denison, Texas 265 Warth, Robert “Bob” L. Pocatello, Idaho
284 Lakos, Laszlo Cuyahoga Falls, Ohio 313 Lane, William J. Belmont, Mich.
313 Tross, Carl A. SUSQUEHANNA, Pa. 333 Mullen, Mark J. Plainville, Ind.
376 Gleichbach Jr., Kenneth CORDON, Ind. 832 Sandstrom, Richard L. Omaha, Neb.
394 Warnefeld, George W. Tivoli, N.Y. 891 Chouinard, Rodney A. HIBBING, Minn.
768 Dunn, Peter P. Shelbyville, Ill. 1201 Niemeyer, Kenneth E. Stockton, Calif.
792 Mullins, Lee E. Southington, Conn. 827 Short, Dale O. Decatur, Iowa
827 Sandstrom, Richard L. Omaha, Neb. 931 Rie, David G. Bozeman, Mont.
891 Chouinard, Rodney A. HIBBING, Minn. 953 Sanders, Michael E. Antlers, Okla.
976 Erwin, Max G. Shreveport, La. 1087 Rivall, Archie W. HIBBING, Minn.
1043 Jones, Jerry E. Sparks, Nev. 1134 Kish, James C. Hibbing, Minn.
1067 Riff, Archie W. HIBBING, Minn. 1177 Waverock, A.V. Avon, Minn.
IN MEMORIAM

Edward J. Carney, Local 1440, former emcee at meetings and BOA member

Edward J. Carney, 87, of Ft. Wadsworth, Staten Island, N.Y., died suddenly Saturday, Nov. 7. Carney began his railroad career on the Staten Island Railroad, a subsidiary of the B&O Railroad, in June 1955. Over the course of his 40 years of railroad employment, he worked as a conductor in freight, passenger, yard and road service.

Brother Carney took an interest in union affairs and became the local chairperson of the Brotherhood of Railroad Trainmen Line 560, representing conductors and trainmen on the Staten Island Railroad, in October 1963. After numerous representation elections on the property, he eventually came to represent conductors, trainmen, engineers, signalmen, maintenance-of-way employees, electricians, boilermakers, machinists, car inspectors and car cleaners.

Brother Carney held the position of local chairperson for over 30 years, during which time he became the local chairperson of Local 1440 in Staten Island, N.Y. Carney also served as a local delegate for more than 30 years and attended seven United Transportation Union (UTU) quadrennial conventions.

He also served on the UTU Board of Appeals for two terms from 1992 through 1999. Carney was a member of the union for more than 40 years.

Many will remember Brother Carney as the master of ceremonies at numerous UTU regional meetings and conventions. He always had a joke or two prepared at the events and always graced us with his voice to sing both the U.S. and Canadian national anthems. A U.S. Army veteran, Carney always paused at each event he emceed to recognize his fellow brothers and sisters in arms. He retired from his position of master of ceremonies at the close of the 2013 regional meetings in Boston and Anaheim.

Peter Patorsaus, five-term VP, witness to Cuyahoga fire

Five-term UTU Vice President Peter Patorsaus passed away Sept. 10. He was 76 years old.

Joining the union in August 1965, he was elected in 1967 as local chairperson of Local 1825 in Cleveland, Ohio. He was elected general chairperson of Norfolk & Western’s Wheeling & Lake Erie Division in 1976 and was elected alternate vice president in 1979. He was elevated to UTU vice president upon the retirement of Vice President Jim Burke in June 1982 and was re-elected at the 1983, ’87, ’91 and ’95 UTU conventions, serving as a VP for more than two full decades of union history until his retirement in 2003.

“Peter was a great guy,” said retired SMART Transportation Division National Legislative Director John Risch. “Not only was he a great union leader, he was the person who started the modern environmental movement.”

Patorsaus was present to witness a bit of Northeast Ohio and, by extension, U.S. history on June 22, 1969. As a crewmember on the Norfolk & Western train that sparked the infamous Cuyahoga River fire in Cleveland, he saw an event that drew national attention and a bit of infamy to the city of Cleveland.

State Watch continued...

Ohio

Ohio State Legislative Board First Vice Chairperson Ryan Fitzpatrick, left, and State Legislative Director Clyde Whitaker, right, visit striking teachers from the Cuyahoga-Jefferson school district in October. Ohio State Legislative Director Clyde Whitaker and Ryan Fitzpatrick, OSLB first vice chairperson and Local 1397 legislative representative passed out supplies to picketing teachers of the Cuyahoga-Jefferson school district and talked with them about their issues and what they want from the schools.

“They just want a safe environment for learning,” Whitaker said. “Whether it is in the classroom, on a bus or a train, safety is paramount, and we expect that our employers provide us with what we need to work safely.”

“Solidarity doesn’t end with just one craft,” Fitzpatrick said. “We must all work together and extend our support to any union that fights for their members. These teachers are the foundation of our educational system and the mentors for the future of our country. There is absolutely nothing we should not do to help them achieve success and safety for themselves and their students.”

The teachers struck for four school days before reaching an agreement.

Wisconsin

Rick Hauser, legislative representative for Local 311 (La Crosse, Wis.), presents a donation from the SMART/TD PAC to incumbent Assemblywoman JN Billsing, who was seeking re-election to represent the state’s 95th District in the State Assembly. Billsing won another term, receiving nearly 69% of the vote in her successful campaign.

GOs 953 and 225 merge

A pair of TD general committees representing members who work for Union Pacific have merged, giving the opportunity for increased efficiency and better service to members.

Luke Edington, general chairperson of GO-953, will lead the merged group.

The vote was “pretty overwhelming” in favor of the merger, he said.

Primary goals include clearing a time claims backlog, increased use of technology regarding claims and quicker turnaround on disciplinary matters.

“We have a lot of things going forward,” Edington said. “We want an office that is more efficient – better service and quicker turnaround and resolution in disputes.”

Peter Patorsaus

Gary F. Babiaz, retired GC

Gary F. Babiaz, a member of SMART Transportation Division for more than 45 years and retired general chairperson of GCA 449 (Indiana Harbor Belt Railroad, passed away Sept. 23, 2020, at age 66.

Brother Babiaz joined the union in January 1974 and was a GC from 2015 to 2019. He is survived by his wife, Judith Kurzt.

James E. Redden, former SLD

James E. Redden, 90, a former Indiana state legislative director, died Nov. 9, 2020.

Brother Redden served in the Korean War, as a railroad engineer for the Army. He joined Local 6 (Indianapolis, Ind.) in Aug. 1951, and worked for 38 years as a railroad engineer, first for New York Central, Penn Central and Conrail Railroads.

In 1988, he was elected SLD and served as a tireless advocate for the safety of railroad workers until retirement in 1995.

He was a recipient of the Sagamore of the Wabash Award given as a tribute for distinguished service to the state. He leaves behind his wife of 69 years, Ruth; three children; and seven grandchildren.

Gary F. Babiaz

Michael E. Shelton, former president of Local 1823

Brother Michael E. Shelton passed away earlier this year, his Local 1823 union brother Ray Birch reports.

A second-generation railroad worker, Brother Shelton served as the St. Louis local’s vice president, president, assistant local chairperson, and local chairperson before his retirement from the Union Pacific Railroad in 2004. He also served in the National Guard.

Brother Shelton is survived by his sister, his daughter, his son, and several grandchildren.

Michael E. Shelton
SUMMARY ANNUAL REPORT FOR THE SMART GROUP VSTD PLAN AND TRUST

This is a summary of the annual report for the SMART GROUP VSTD PLAN AND TRUST, (Employer Identification No. 34-1031303, Plan No. 506) for the period January 1, 2019, to December 31, 2019. The annual report has been filed with the Employee Benefits Security Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

BASIC FINANCIAL STATEMENT

The value of plan assets, after subtracting liabilities of the plan, was $17,639,639 as of December 31, 2019, compared to $7,415,014 as of January 1, 2019. During the plan year the plan experienced an increase in its net assets of $10,204,621. This increase includes unrealized appreciation or depreciation in the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the value of the assets at the beginning of the year, or the cost of assets acquired during the year. During the plan year, the plan had total income of $26,382,901. Plan expenses were $16,178,280. These expenses included $2,156,012 in administrative expenses and $14,022,268 in benefits paid to participants and beneficiaries.

YOUR RIGHTS TO ADDITIONAL INFORMATION

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:

1. An accountant's report;
2. Assets held for investment;
3. Transactions in excess of 5 percent of the plan assets; and
4. Insurance information including sales commissions paid by insurance carriers.

To obtain a copy of the full annual report, or any part thereof, write or call the office of the Plan Sponsor SMART

Plan Sponsor
1750 New York Avenue, Suite 600
Washington, D.C. 20006

4-1031303 (Employer Identification Number) 216-228-9400

You also have the right to receive from the plan administrator, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the plan administrator, these two statements and accompanying notes will be included as part of that report. These portions of the report are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the plan:

SMART
1750 New York Avenue, Suite 600
Washington, D.C. 20006


2021 railroad paid holiday schedule

Rail employees working under the national agreement will receive 11 paid holidays in 2021:

• New Year's Day, Friday, Jan. 1
• Presidents Day, Monday, Feb. 15
• Good Friday, Friday, April 2
• Memorial Day, Monday, May 31
• Independence Day, Monday, July 5 (obs.)
• Labor Day, Monday, Sept. 6
• Thanksgiving Day, Thursday, Nov. 25
• Day after Thanksgiving, Friday, Nov. 26
• Christmas Eve, Friday, Dec. 24
• Christmas Day, Saturday, Dec. 25
• New Year's Eve, Friday, Dec. 31

Happy Holidays!