In a major blow to the United Transportation Union and its embattled International President, the National Mediation Board on December 21 denied that union’s appeal to reconsider the 1998 petition to hold a representation election on the Union Pacific Railroad.

In short, this means the NMB has finally shut down any attempt by the UTU to combine operating crafts and force a one-sided, winner-take-all election between the BLE and UTU on the UP.

“Obviously, we are very pleased with this outcome,” BLE International President Ed Dubroski said. “The NMB has finally put an end to the UTU’s three-year-old plan to represent all operating employees on the Union Pacific. While the UTU may win some small representation battles on small railroads at the NMB, this action reaffirms our position representing our members on Class 1 and other railroads. The BLE is now the rail labor union of the 21st century.”

The NMB’s decision also means that UTU International President Charlie Lidle has squandered approximately $5 million of union funds in his disastrous two-year raid on the BLE, and he was forced to withdraw from the AFL-CIO in disgrace. The UTU is now in a financial crisis, according to highly-placed UTU sources.

Ironically, this much-anticipated Union Pacific decision was published prior to — but was released a few hours after — another NMB ruling giving the UTU an almost unprecedented 2-to-1 split decision authorizing a representation election among a new class of train and engine service employees on the Terminal Railroad Association of St. Louis (TRRA). Essentially the NMB ruled in the TRRA case that the crafts of locomotive engineer and switchman no longer exist, and have been replaced by “train and engine service employees” (see related story below).

Some rail labor observers believed that the TRRA split decision could have been the precursor of a split decision in the UTU’s favor in the Union Pacific case. But that did not happen. The Board, after 10 months, ruled in favor of the BLE.

“The Board has carefully reviewed the submissions by the participants (UTU, BLE), and the record in this proceeding. This record is insufficient to support the UTU’s claims. Therefore, the Board affirms its decision accepting the panel’s recommendation and denies the motion for reconsideration,” NMB Chief of Staff Stephen D. Crable said in the ruling.

Crable also wrote, “Under consideration of Motion for Reconsideration, the NMB will decline to grant relief sought in favor of the UTU.”

NMB rejects UTU appeal for UP representation election

BLE appeals bitter NMB split decision to destroy operating crafts at Terminal RR

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In an almost unprecedented split decision, the National Mediation Board has ruled 2-to-1 to destroy the crafts of locomotive engineer and switchman on the Terminal Railroad Association of St. Louis (TRRA).

In essence, two of the three NMB members sided with the United Transportation Union saying that operating crafts were combined and that a representation dispute existed among operating rail employees on the small TRRA.

The Brotherhood of Locomotive Engineers, however, filed a petition for reconsideration of the NMB’s December 21 ruling, citing numerous “fatal flaws in legal analysis,” including a lack of cross-utilization of engineers and train service employees.

In a blistering dissent, NMB Chairman Ernest DuBester emphasized that the UTU and BLE should decide between themselves if they should ever merge and that the NMB should not determine their fate. He said that the “issue underlying this case is an emotional, often divisive issue throughout much of the railroad industry.”

“For many, it is viewed as a contest between the UTU and the BLE,” DuBester said. “That should not be the Board’s view. To the contrary, a voluntary merger between these Organizations could rectify the best traditions of each organization, proving beneficial to the represented employees. In the Organizations themselves, and to the industry generally. Such a decision, however, is for each Organization to determine.”

In their majority decision, NMB members Magdalena Jacobsen and Francis J. Duggan “deviate(d) from the historical patterns in the railroad industry.” DuBester charged. He said that Jacobsen and Duggan largely ignored more than six decades of established NMB principle regarding historical patterns of representation in the railroad industry.

It appears that certain members of the NMB believe that it’s okay to ignore all pre-cendent and engage in social labor engineering to change an established system based on self-determination in favor of creating a new one that supports a rogue union operating outside of the AFL-CIO,” said BLE International President Ed Dubroski.

Dubroski noted that the UTU is now trying to do on the Terminal Railroad what it failed to do on the Union Pacific Railroad. A few hours after announcing the split decision in the Terminal Railroad case, the NMB denied the UTU’s appeal of its decision in the Union Pacific case dealing that union a major blow.

TRIRA has approximately 125 operating employees and is a small non-Class 1 railroad

Bush transition teams show heavy pro-employer bias

Perhaps foreshadowing things to come, President-elect George W. Bush has released the names of members of his transportation and labor transition advisory teams — and it doesn’t look good for labor.

The transportation team includes representatives of CSX, Norfolk Southern and Union Pacific, but there are no representatives of rail labor. John Snow, CEO of CSX, and Dick Davidson, CEO of Union Pacific, are among the railroads’ representatives to the team.

The American Shortline and Regional Railroad Association Director, Frank Turner, also is a member of the transportation team, as are Louis Eisenberg, the chairman of the Port Authority of...
LEGISLATIVE UPDATE

DC Feedback: Prescription drug use

Employees should confer with physician, comply with provisions of 219

Do you have a question about federal laws, Federal Railroad Administration rules that impact your job, or about pending legislation governing our industry? Send it to:

D.C. Feedback, Brotherhood of Locomotive Engineers 10 G. Street N.E., Suite 480 Washington, DC 20002

Or you can fax your questions to (202) 347-5337, or e-mail to: blhedc@aol.com.

If the BLE’s National Legislative Officer does not have the answer on hand (such as a federal interpretation), they’ll get back to you as soon as possible. Select questions and answers will be published regularly in the pages of the Locomotive Engineer Newsletter. This month’s installment deals with prescription drug use.

Dear DC Feedback:

What are the requirements for reporting the use of prescription drugs and over-the-counter medications?

In meetings held with FRA, the issue of medications commonly purchased over-the-counter and used in the treatment of colds and flu were discussed. It was stated, and for reasons of safety, that a policy that would not permit employees to lay-off when called if they reported they were unsafe to work would be looked upon unfavorably. Likewise, there is concern with the impact on safety that employees may have when they are not medicated when sick. It is important for railroad employees subject to part 219 that they confer with their physician on prescriptions and over-the-counter use of medications.

In regard to prescription drug use, 49 CFR Part 219.103, provides:

(a) This subpart does not prohibit the use of a controlled substance (on Schedule II through V of the controlled substance list) prescribed or authorized by a medical practitioner in the possession incident to such use.

(1) The treating medical practitioner or a physician designated by the railroad have made a good faith judgment, with notice of the employee’s assigned duties and on the basis of the available medical history, that use of the substance by the employee at the prescribed or authorized dosage level is consistent with the safe performance of the employee’s duties.

(2) The substance is used at the dosage prescribed or authorized; and

(3) In the event the employee is being treated by more than one medical practitioner, at least one treating medical practitioner has been informed of all medications authorized or prescribed and has determined that use of the medications is consistent with the safe performance of the employee’s duties (and the employee has observed any restrictions imposed with respect to use of the medications in combination).

(b) This subpart does not restrict any discretion available to the railroad to require that employees notify the railroad of therapeutic drug use or obtain prior approval for such use.

Additionally, a Notice of Safety Advisory-98-3, titled, “Recommended practices for the safe use of prescription and over-the-counter drugs by safety-sensitive railroad employees” states:

“FRA issues this advisory in support of DOT’s efforts to ensure that transportation employees safely use prescription and over-the-counter (OTC) drugs. Safe rail operations depend upon alert and fully functional professionals who have not been adversely affected by drug use, whether medically appropriate (“legal”) or not. FRA has always prohibited illicit drug use and unauthorized use of controlled substances by safety-sensitive employees, but is equally concerned about the potentially adverse side effects from other prescription drugs and OTC products. Because DOT and FRA testing (including FRA’s post-accident program) targets only alcohol and controlled substances, FRA does not have a clear picture of the extent to which the performance of safety-sensitive employees is adversely affected by legal drug use.

“Accordingly, although not specifically addressed in its alcohol and drug testing regulations (49 CFR part 219), FRA strongly recommends that rail employers and safety-sensitive employees follow § 219.103 guidelines when considering the use of all prescription and OTC drugs. Simply stated, in the interest of safety, FRA strongly recommends that either a treating medical professional or a railroad-designated physician make a fitness-for-work determination concerning all prescription and OTC drug use prior to permitting an employee to return to work in safety sensitive service. This determination should also be made whenever an employee currently performing safety-sensitive functions is concerned about possible effects on his or her job performance from the use of prescription or OTC drugs.

“Section 219.103(b) authorizes railroads to establish reporting and approval procedures for all prescription and OTC drugs which may have detrimental effects on safety. Additionally, FRA recommends that railroads educate their employees on these reporting and approval procedures and, most importantly, on how to use prescription and OTC medications safely.

“FRA will take all appropriate action to continue reducing the negative impact from inappropriate use of all prescription and OTC medications. Moreover, FRA strongly encourages the rail industry to voluntarily develop programs on safe prescription and OTC drug use before such programs are mandated or directed through legislation.

“Issued in Washington, D.C., by George Gavalla, Acting Associate Administrator or Safety.”

Many OTC drugs contain alcohol in percentages greater than found in alcoholic beverages. This, in combination with other chemicals, can cause drowsiness or other effects that make them unacceptable for persons in safety-sensitive positions. A balance must be struck between taking approved medications and/or going to work in a condition that threatens your health and the health and safety of your fellow workers. At all times comply with the provisions of part 219.

Congressman addresses North Dakota State Legislative Board

Members of the North Dakota State Legislative Board met in Bismarck, N.D., for their biennial meeting. Seated, from left: Ron Huff, 1st Vice Chairman, BLE Division 746 (Mandan, N.D.), North Dakota Congressman Earl Pomeroy; and Mike Musch, Chairman of the North Dakota State Legislative Board and Member of BLE Division 677 (Enderlin, N.D.). Standing, from left: Mark Boushee, 2nd Vice Chairman, and member of BLE Division 95 (Grand Forks, N.D.); Dean Altringer, Secretary-Treasurer, member of BLE Division 160 (Harvey, N.D.); and Cheri Bonebrake, BLE Division 695 (Minot, N.D.).

Congressman Pomeroy attended the meeting and delivered a keynote address. At the meeting, the Board voted to change the meeting from biennial to every four years. The banquet was open to all North Dakota BLE members and their spouses, and special guests included: BLE Vice-President and U.S. National Legislative Representative Leroy Jones; Montanta State Legislative Board Chairman Craig Gilchrist; Attorney General/Gubernatorial candidate Heidi Heitkamp; Agriculture Commissioner Roger Johnson; Candidate for Tax Commissioner Steve Tomac; Public Service Commissioner candidate Vern Thompson (also a North Dakota State Senator); and State AFL-CIO President Dave Knimmint.
BLE intervenes in 13(c) fight, a battle to save union jobs

The U.S. District Court for the District of Columbia has granted motions by the BLE, the Firemen and Oilers, IAM, IBEW, TCU and UTU to intervene in the attempt by Herzog Transit Services to bid on the operation of Bay Transit Authority’s commuter rail services in the San Francisco area. Herzog Transit Services wanted to be one of the bidders for the maintenance and running of the trains and, aware of the Department of Labor’s (DOL) interpretation of regulations in the Massachusetts Bay Transit Authority (MBTA) case from earlier in 2000, filed a lawsuit challenging the application of these regulations.

In the MBTA case, the U.S. Department of Labor and the Federal Transit Administration warned MBTA contractor Bay State Transit Service that it was not complying with a 1964 labor regulation known as “13(c),” designed to protect workers’ seniority contracts and wages. The contractor disagreed and refused to litigate the issue, but the federal agencies threatened to cut off about $200 million in funds immediately if the MBTA did not honor its 13(c) obligations. Amtrak’s contracts to operate MBTA service have been renewed.

On December 15, the BLE and the other unions were granted the right to intervene on the DOL’s behalf in its defense against Herzog. The court also denied Herzog’s motion for a preliminary injunction for failure to establish any present threat of irreparable harm.

The BLE and the other five unions are seeking to protect the jobs of their members. They are concerned about the abrogation of contracts and pay scales, as well as layoffs, if the contract is granted to Herzog or another nonunion company.

BLE President Edward Dubroski blasted Herzog’s anti-union tactics. “Apparently, Herzog was encouraged when Senator Phil Gramm and other radicals improperly attempted to interfere in our struggle with MBTA,” Dubroski said.

With the Republican sweep of the national elections, we can expect even more attempts to eliminate 13(c), which we will resist with every tool at our disposal.”

Runaway remote control unit derails on UP mainline

The derailment of a runaway remote-controlled locomotive on the Union Pacific mainline outside of Blair, Neb., on December 19 underscored the concern of the BLE and others about the unregulated use of new technology.

The derailment occurred on a section of track owned by Union Pacific, but leased by Carpall. A switch engine and six cars carrying high fructose corn syrup caused over $400,000 in damages when it derailed approximately 2,000 feet from the Cameron ditch, which empties into the Missouri River.

The most alarming aspect of this incident is the fact that the runaway remote control engine derailed at a control point on the Union Pacific mainline. A runaway locomotive — in this case attached to over 30 cars and with no one at the controls on a mainline track — could have resulted in a much worse accident, or possibly death.

The remote operations were being handled by remote control manufacturer Cazane, which was contracted by Carpall for rail services at its Blair plant. Canace testified as to the safety of its remote operations at a recent conference about such operations held by the FRA.

A Union Pacific spokesman said the railroad’s investigators have determined that “human failure” caused the derailment of the remotely controlled unit. Cazane and Canace are continuing their investigations.

The FRA has conducted a preliminary investigation of the accident and a complete report is required to be filed under the provisions of the FRA’s accidents/incidents reporting. This accident demonstrates the need for FRA regulations governing another remote control locomotive goes into operation. Accidents, such as this one, could have a disastrous impact on train crews, residents in the area and the surrounding environment.

“Railroad operations do not always handle materials as innocuous as high fructose corn syrup. A similar accident involving hazardous materials could spell disaster for railroad workers, residents in the area, and the environment in which we live,” said BLE President Edward Dubroski.

“This demonstrates the need for FRA to enact regulations governing remote control operations, and we will continue to monitor the investigation of this accident as part of our effort to ensure that this technology is made safe before it becomes more widely used.”

Deadlines approach for 2001 S-T Compliance Class

Several deadlines are quickly approaching for Secretary-Treasurers who plan to attend the BLE’s Compliance Classes in 2001.

For members planning to attend the March 9-10 class in Atlanta, the deadline for hotel registration is February 8. For those planning to attend the March 22-24 class in Newark, the hotel registration deadline is March 1.

In addition, all members who plan to attend these training sessions must register with Dr. Elaine Reese of the George Meany Center for Labor Studies. The program offers flexibility for busy schedules and meets awareness level hazardous materials training requirements established by the U.S. Department of Transportation and the Occupational Safety and Health Administration.

To achieve the maximum participatory benefits of the online program, participants associated with this training.

You will receive a letter or an e-mail confirming your number for hotel reservations is (404) 764-2500. The March 22-24 class will take place at the Ramada Inn-Newark. The number for hotel reservations is: (973) 824-4000.

During the two-and-a-half day session, members will learn proper record keeping techniques, computer applications, methods for filing various Department of Labor reports, Railroad Retirement forms, as well as Federal tax returns.

Members are asked to bring their own calculator to the classes. To secure additional copies of IRS forms which can be downloaded from the IRS website, www.irs.gov: To find the forms, go to “forms and publications.” A free copy of Adobe Acrobat is available for viewing the forms. On a related note, Dr. Reese reports that the Department of Labor has introduced a new LM Report to begin preparing for online filing. The information required is the same but the format in which it is required is different.

One major change required is that for those forms which are machine readable; therefore, every green line must be filled out even if you do not have an entry. Write zero (“0”) in the right column of the lines which you do not have an entry. If any items (green lines) are left blank you may receive the report back as not filed, so make sure to fill out every (green) line.

George Meaney Center offers online hazmat training courses

The George Meaney Center for Labor Studies is providing a web-based Hazmat training course for 2001.

The course offers flexibility for busy schedules and meets awareness level hazardous materials training requirements established by the U.S. Department of Transportation and the Occupational Safety and Health Administration.

To achieve the maximum participatory benefits of the live course (such as bulletin board activities, live chats, etc.), the Meaney Center is recruiting groups of approximately 20 trainees from all crafts and job titles to schedule online group sessions. The first group session, or “cohort,” is scheduled to begin February 1, 2001, and new cohorts will begin on the first of each month thereafter.

Participants will be urged to complete the training course within a 6-to-week time period; individual sessions are designed to be approximately 8-hours in length. There is no cost to participants associated with this training.

The online course schedule for 2001 is as follows:

February 1
March 1
April 1
May 1
June 1
July 1
August 1

If you are interested in participating in the online training, register online at: <http://www.georgemeaney.org/hazmat.html>.

You will receive a letter or an e-mail confirming your participation as well as an online learning guide for your course.
FRA issues much-needed proposed rule on locomotive cab sanitation standards

The Federal Railroad Administration issued a Notice of Proposed Rulemaking (NPRM) on January 2, proposing sanitation standards for toilet and washing facilities in locomotive cabs.

The proposal provides exceptions for certain existing equipment and operations, and establishes servicing requirements.

The NPRM is the product of the Rail Safety Advisory Committee (RSAC) on Locomotive Cab Working Conditions. It has received the consensus of the working group, been approved by the Full RSAC, and cleared the internal government process.

The regulation applies to lead locomotives and any occupied locomotive in a trailing position, except:

- Switching locomotives; transfer train service; commuter service; Class III railroads where access is provided en route; tourist, scenic, historic, or excursion operations; and a limited number of toilets that will be grandfathered and phased out over the next several years.

- In those switching, transfer, and commuter operations where no toilet facility is on the occupied locomotive, there is a requirement on the railroad to provide ready access to a toilet facility when requested by the employee.

For the purposes of this rule, a locomotive's toilet facility is determined to be compliant or non-compliant at the time of the daily inspection. If it does not comply, it is prohibited from use as a lead or occupied locomotive until repaired or made sanitary.

Specific conditions are to be met at the daily inspection, including:

- Adequate ventilation; supply of toilet paper; a washing system; trash receptacle; door closure and modestly locked; potable water; maintenance of the toilet system, and a requirement for the sanitation complement to be sanitary.

- Sanitation compartments shall be sanitary on each occupied locomotive used in switching service, transfer train service, or in a trailing position when the locomotive is occupied.

There are provisions to address circumstances of defective ventilation systems, defective toilets where parts are unavailable, and toilets determined to be non-compliant, where determination is made at a remote location and meet a specific set of restrictive conditions.

The FRA will be accepting comments until March 5, 2001, which it will consider before issuing a final rule.

The full text of the proposed rule can be found on the FRA website at: [http://www.fra.dot.gov/rules/sanitationrpm.pdf].

Appeals court reverses ‘major dispute’ ruling in BMWE case

A three-judge panel from the Tenth Circuit Court of Appeals has reversed a ruling by a Colorado District Court judge that the Union Pacific’s plans to close its track panel plant in Laramie, Wyo., constituted a “major dispute” under the Railway Labor Act (RLA).

As reported by the BLE, last February 24th, the original court action was taken after the Brotherhood of Maintenance of Way Employees (BMWE) struck Union Pacific (UP), because of the carrier’s announced plans to close the Laramie panel plant and shutter the plant, where the work was being performed by BMWE members.

In ending the strike, the Colorado court also enjoined UP from moving ahead with its plans to close the plant, finding that such action would violate the RLA.

Under the RLA, labor disputes fall into one of two categories. Disputes over the creation of new contractual rights are termed “major disputes,” and must be handled under specific provisions of the law, beginning with the serving of a Section 6 notice, and followed by negotiation and possible mediation, voluntary binding arbitration.

If these steps do not provide a resolution, the act also allows the President to appoint an emergency board to study the dispute and issue recommendations for settling it. For decades, Congress has seized on these recommendations and imposed legislated settlements to resolve the dispute in order to avoid lengthy rail strikes.

During the period that major disputes are being handled, the parties must maintain the status quo, and are legally forbidden from implementing any proposed changes. Because, in the District Court’s view, UP’s actions were prohibited by its collective bargaining agreement with the BMWE, the dispute was found to be major and UP was enjoined from moving forward.

So-called “minor disputes” under the RLA grow out of grievances or out of the interpretation or application of collective bargaining agreements, and are subject to separate conference and, ultimately, compulsory arbitration.

In reversing the District Court, the 10th Circuit found that “what the Union did was not only a violation of the existing collective bargaining agreement and that “any attempt to resolve the dispute will inevitably involve interpretation of that agreement.”

As the industry standard, creating zero tolerance for any safety hazards as the industry standard, creating zero tolerance for any safety hazards and highways crossing fatal accidents were at all time highs.

BLET scores victory for organized labor in GM dispute

The oldest labor union in North America scored a major victory over one of the biggest corporations in the world in early January.

Bowing to pressure from the Brotherhood of Locomotive Engineers and civic leaders, General Motors Corp. announced on January 2 that it had abandoned plans to build a $45 million non-union railroad yard in Milan Township, Mich.

The joint-venture with Ann Arbor Acquisition Corp. could have spelled doom for the Grand Trunk Western Railroad and could have taken away business from other railroads operating in the Midwest. GM intended to use the yard — and a nonunion workforce — to sort and ship new automobiles.

Several Milan Township Trustees ran on an “anti-development” platform in the November elections, promising citizens they would fight the $45 million project. They placed a great deal of pressure on GM to halt the project.

However, their efforts alone were not enough to stop such a huge corporate action. It took the assistance of the Brotherhood of Locomotive Engineers to stop the spread of nonunion labor.

The BLE initiated a letter writing campaign, arguing that union-made cars should not be transported by non-union workers and encouraging members of Congress to oppose the project.

GM and Ann Arbor Acquisition were bought by the United Auto Workers asking them to put pressure on GM to drop the project.

GLE General Chairman John Karakin spearheaded the letter writing campaign for the BLE. “This is a major victory for rail labor,” he said.

Ann Arbor Acquisition purchased the Ann Arbor Railroad out of bankruptcy in the late 1980s.

GM and Ann Arbor Acquisition sought to rezone 1,000 acres of farm-land in Milan Township for the proposed railroad yard, but voters rejected their proposal.
Union Pacific to cut 2,000 jobs

OMAHA, Neb. — Prompted by signs of an economic slowdown, Union Pacific Corporation announced on December 27 that it will eliminate approximately 2,000 jobs and cut its planned capital spending program for 2001. About half of the 2,000 job cuts will come from normal attrition and the rest from an early retirement program and firings, the railroad said. The reductions will include union and non-union employees from every part of the railroad’s 25-state system.

The details of the job reduction program will be finalized by mid-January. Employees will have an opportunity to consider how the options apply to them, the railroad said. The reductions should be completed by the end of February.

The capital spending budget has not been determined for 2001, but will be less than the $82 billion spent in 2000.

No death penalty in fatal rail ‘prank’

BROOKINGS, S.D. — The federal government will not seek the death penalty against Andrew Goltz, the man who allegedly derailed a train, killing a conductor and seriously injuring a locomotive engineer.

The announcement was made December 28 by U.S. Attorney Ted L. McBride.

“We have not decided whether to seek the death penalty against Andrew Goltz,” McBride said in a report filed in federal court, Goltz told an FBI agent that he broke the lock off the railroad switch, moved the switch to divert the train into eight parked railroad cars filled with grain, and created a plastic garbage bag. He claimed to have committed the acts as a “prank.”

The train’s conductor, Brad Davis, was killed in the derailment. Locomotive Engineer Dennis Baum was seriously injured. His left arm was amputated and he suffered broken bones in his ankles and foot.

NS to pay $28 million in lawsuit

NORFOLK, Va. — On January 9, Norfolk Southern Corp. said it would pay $28 million to settle a 1993 class action lawsuit alleging racial discrimination.

The company also agreed to establish “good faith goals” for promoting members of the class action suit to managerial and vice-president-level jobs during the four-year term of the consent decree.

The class action involves about 7,700 African-Americans who have worked for Norfolk Southern since Dec. 16, 1989, the company said.

Norfolk Southern noted the consent decree received pre-liminary approval from a federal judge in Birmingham on Dec. 22, 2000.

The agreement follows two years of voluntary mediation. The case was tried in 1997, but the federal judge had not issued a ruling.

The most significant of the rules involve so-called validity testing, a relatively new procedure to determine whether a urine specimen is legitimate.

Under current rules, transportation workers whose specimens are found to be invalid are assumed to be cheaters. Many are fired without any opportunity for an appeal.

The new rules extend to validity testing two safeguards that already protect a worker who actually tests positive for any of five illegal drugs: cocaine, heroin, amphetamines, marijuana and PCP. A medical review officer, hired by the employer, will have the right to cancel the result of a validity test upon finding a sound medical reason for a specimen’s failure.

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**Breaking News!**

**Railroad Retirement legislation reintroduced**

After carefully reviewing the language contained in H.R. 180, the Brotherhood of Locomotive Engineers announced on January 11 that it is supporting the Railroad Retirement and Survivors’ Improvement Act of 2001.

The language in the bill, for the most part, is the same as H.R. 4844, which was introduced in the House of Representatives last year. H.R. 4844 passed the House by a huge bipartisan majority (391-25) and had 83 Senate co-sponsors; however, it was killed by three ultra-conservative Senators.

If enacted into law by the 107th Congress, the bill would reduce the vesting requirement under the Railroad Retirement system from 10 years to five, eliminate the Railroad Retirement maximum.

H.R. 180 was introduced in the House by Bud Shuster (R-PA), who earlier this month announced he would retire from public office on January 31.

Regardless of the fact that there are minor differences in wording between H.R. 180 and H.R. 4844, the BLE has agreed to support the bill because the intent of the legislation has not changed.


For the latest information and breaking news on this legislation, please stay tuned to the BLE website at www.ble.org. •

According to preliminary reports, a member of BLE Division 255 (Steubenville, Ohio) was killed the morning of January 11 near South Fork, Pa.

It is believed that the Norfolk Southern locomotive engineer, D.E. Nichols Jr., stopped to inspect his train for flat spots and was hit by a train on an adjacent track while traveling between Conway and Harrisburg, Pa.

Nichols, 52, joined BLE Division 255 in 1971 and was a resident of Richmond, Ohio. He leaves behind a son and his father.

Nichols is the 22nd BLE member killed in the line of duty since 1996 and the first in 2001.

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**IN THE LINE OF DUTY**

**D.E. Nichols Jr.**

Springfield Terminal/Delaware & Hudson GCofA
Vietnam vets eligible for assistance with Agent Orange-related illnesses

Special health care and compensation benefits are available to the 2.6 million men and women who served in Vietnam between 1964 and 1975, the Department of Veterans Affairs announced in a recent public service message.

Those discharged during that period, regardless of where they served, are the largest group of veterans receiving VA health care and monthly disability compensation. Yet, a relatively small percentage of their service-connected disability claims are for illnesses scientists have listed as being associated with Agent Orange.

The Department of Veterans Affairs is concerned Vietnam veterans may regard a disease associated with Agent Orange, the defoliant sprayed just another illness, rather than the result of their military service (such as prostate cancer), or with the aging process (such as non-Hodgkin's lymphoma, porphyria cutanea tarda, and chronic lymphocytic leukemia). Vietnam veterans may regard a disease associated with Agent Orange.

Based on clinical research, the following diseases are among those the Department of Veterans Affairs presumes to be associated with Agent Orange-related illnesses: chloracne, Hodgkin's disease, multiple myeloma, lung cancer, non-Hodgkin's lymphoma, porphyria cutanea tarda, respiratory cancer (lung, bronchus, larynx and trachea), soft tissue sarcoma, acute and subacute peripheral neuropathy and prostate cancer. In addition, monetary benefits, health care and vocational rehabilitation services are provided to Vietnam veterans who have children with spina bifida, a congenital birth defect of the spine. Veterans who served in Vietnam during the war also are eligible for a complete physical examination. If a VA physician suspects a disease might be related to Agent Orange, VA will provide free medical care. Those who participate in the examination program can become part of an Agent Orange Registry and receive periodic mailings from VA about the latest Agent Orange studies and new diseases being compensated under VA policies. Veterans and their families can contact VA for more information about these benefits. For information, call (800) 827-1000 for an application form or visit VA's Website at: http://vabenefits.vba.va.gov.
NMB rejects UTU bid for representation election

Union Pacific
Continued from Page 1

absent a demonstration of material er-
ror of law or fact or under circum-
stances previously presented to the NMB
generally will be insufficient to obtain
relief.”

In January 1986, the UTU launched
its desperate campaign to represent all
operating employees on the Union Pu-
cific Railroad and put the BLET out of
business. Now, two years later: the UTU
finds itself on the losing end after
spending nearly $5 million in its ruin-
ous UP initiative. One year ago, a spe-
cial labor panel appointed by the NMB
to rule on this alleged UP representa-
dion dispute unanimously decided to
support the BLET’s position. On March 2,
the UTU filed a motion for reconsid-
eration with the NMB and it hoped he
could win on appeal. Clearly, that strat-
egy has crashed and burned as well.

The full text of the NMB’s Union Pa-
cific decision is available on the BLET
website at www.ble.org.

Bush transition teams show heavy pro-management bias

Bush

New York and New Jersey, and former
SEPTA General Manager David Girard-
Dickard.

Eisenburg’s Port Authority has
made a number attempts to take its
PATH commuter rail system out from
under the jurisdiction of the Federal
Railroad Administration and all rail-
road industry federal laws. If success-
ful, these attempts would have dire con-
sequences for the employees of the Port
Authority rail system.

Girard-Dickard may also be a fami-
iliar name to BLE members. During his
tenure as SEPTA’s General Manager, he
presided over the 108 day lock-out of
BLE members and other SEPTA work-

ers in 1983. This strike was devastat-
ing, these attempts would have dire con-
sequences for the employees of the Port
Authority rail system.

AFL-CIO’s Transportation Trades
Department applauded the nomination
of Mineta as Secretary of Transpor-
tation. “Mineta is a tremendous leader
who understands the freight and pas-
enger transportation needs of our na-
ton,” said Sonny Hall, President of the
AFL-CIO’s Transportation Trades De-
partment. “To that end, we look for-
ward to working with him,” a strong suppor-
ter of transportation workers during his distinguished career in pub-
lic office.

Mineta is currently Secretary of
Commerce and a former chairman of
the House Public Works and Transpor-
tation Committee.

Mineta’s overarching reputation is
as a bipartisan pragmatist whose ide-
ology is to rebuild America’s aging transpor-
tation infrastructure and to find ways to pay for it. •

Advisory Board December Activity

By action of the delegates of the Fifth Quintennial Convention, summaries of BLE Advisory Board members’ activities are published monthly.

International President Edward Dubrowski—International Office. General supervision of BLE activities, publications committee, BLET (900) 393-2716

Vice-President & U.S. National Legislative Representative Leroy D. Jones—Washington office; AFL-CIO leg. mtg.; TTD leg. mtg.;

Vice-President & Alternate President James L. McCoy—Washington office; AFL-CIO political directors mtg.; AFL-CIO labor luncheon;

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