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Historic mural returns to BLET

At more than 100 feet long, "History of Locomotives" an imposing piece of art. **pg4**



FMLA UPDATE:

Another positive ruling

Resolution of the Family and Medical Leave Act (FMLA) continues to unfold in a positive manner for Rail Labor as a group of FMLA arbitrators unanimously overturned additional carrier arguments on January 8.

After receiving the December 2 Award, which sided unanimously with Labor, the carriers filed a request for interpretation. In the December 8 Award, a panel of three arbitrators ruled that the FMLA policies of the four largest Class I railroads (BNSF, CSXT, NS and UP) violate the industry's national vacation and personal leave agreements.

In the January 2 Award, the arbitrators unanimously rejected the carriers' suggestions that:

1. Unscheduled leave should be treated differently from scheduled leave for purposes of their ability to force employees to use their paid leave as FMLA leave; and

2. The BLET personal leave agreement should be treated differently than the other national personal leave agreements for FMLA substitution purposes.

"I am pleased the arbitrators unanimously agreed with our position," BLET National President Ed Rodzicz said. "I ask for patience from our members as this lengthy legal process continues to unfold."

Approximately two years ago, the United States Court of Appeals for the 7th Circuit affirmed a lower court ruling that the law did not permit the carriers to override collective bargaining agreement provisions that gave workers control over scheduling paid leave. The legal process has been ongoing ever since.

Regarding the first interpretation question, the Board: "unanimously agree[d] that, just as no substitution of such days for FMLA leave may occur after such days are set, neither can it occur before those days are set. We see no legitimate distinction between

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Gary Knapp captured these Soo Line Sweethearts in LaColle, Quebec — with its distinctive castle-like ex-customs house and Delaware & Hudson yard office — on January 29, 2008. **Photo:** copyright Gary Knapp

BLET leads fight to halt SEPTA attack on FELA

In response to a claim by the Southeastern Pennsylvania Transportation Authority (SEPTA) that the Federal Employers' Liability Act (FELA) does not apply to its commuter rail workers, the Brotherhood of Locomotive Engineers and Trainmen and other unions on the property filed suit on January 16, seeking to halt SEPTA's attempts to force affected workers on the job to submit to medical treatment from the agency's Workers' Compensation department.

SEPTA took this position in a January 15 letter to the General Chairmen for the various crafts in its Railroad Division, stating that FELA "does not apply to SEPTA," and that injured commuter rail workers would be handled "under Pennsylvania's

Philadelphia transportation agency says FELA does not apply to commuter rail workers.

Workers' Compensation Act."

The suit was filed in the United States District Court for the Eastern District of Pennsylvania, alleging that SEPTA's action violates (1) the FELA, (2) the section of last year's Rail Safety Improvement Act prohibiting interference in a treatment plan developed by a worker and his/her treating physician, and (3) the Railway Labor Act.

Commenting on the situation, National President Ed Rodzicz said, "SEPTA has taken an outrageous and untenable

position. The case they're relying on is contradicted by every other case that has decided this issue and is incapable of being applied in an across-the-board manner, as SEPTA suggests.

"We will not allow SEPTA to interfere in the medical treatment of our members who are injured on the job, or to deprive our Brothers and Sisters of their rights under the FELA," Rodzicz added. "SEPTA's action would fully justify our withdrawal from service, but we decided that doing so would have cast an unfortunate and unnecessary pall over the pre-Inaugural activities in Philadelphia this weekend."

Additional developments will be reported as they occur. @@



The Brave Engineer

BLET closes a chapter on the Casey Jones Legacy. **pg 2**



Inaugural Journal

National Secretary-Treasurer Bill Walpert shares his experience. **pg 6**

Cab Concerns

BLET expresses safety and security concerns over plans for remodeled locomotives at Septa. **pg 8**

A chapter closes on the Casey Jones legacy

He is the most iconic locomotive engineer in American history — John Luther “Casey” Jones, the brave engineer who sacrificed himself to save his passengers.

Piloting the “Cannonball Express” on April 30, 1900, Casey Jones stayed at the throttle and gave his life in order to save his passengers as his train plowed into a stalled freight near Vaughan, Miss. His sacrifice reached legendary proportions when his roundhouse friend Wallace Saunders, an engine wiper, strung together “The Ballad of Casey Jones.” A professional songwriter picked up the ballad, polished the lyrics, and gave the world one of its most popular folk songs.

While almost everyone knows the story of Casey Jones, not many know that he was a dues-paying union member.

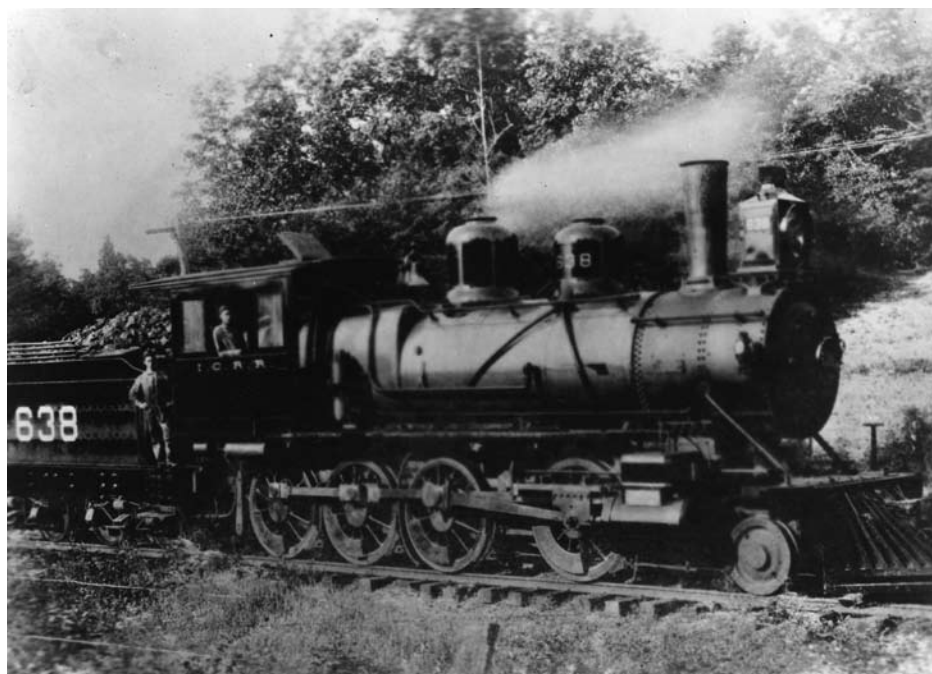
Jones worked for the Illinois Central Railroad and belonged to the Brotherhood of Locomotive Engineers and Trainmen. He was a member of BLET Division 99 in Water Valley, Miss.

That Division, unfortunately, is being closed after nearly 130 years of operation.

In accordance with Section 37(b) of BLET Bylaws, a Division with less than 12 active members must be merged with another Division.

On December 2, 2008, the BLET National Division merged Casey’s Division 99 with Division 23, which is located in Southaven, Miss.

Even though Division 99 is no more, it will not disappear entirely, according to BLET National Secretary-Treasurer Bill Walpert.

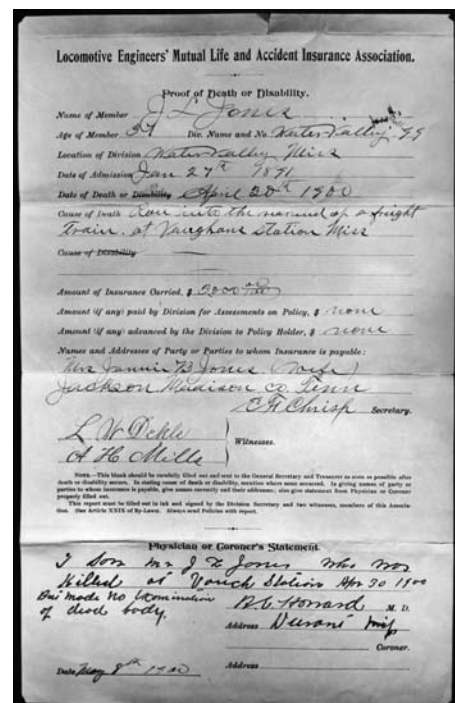


Casey Jones in the cab of Engine No. 638 Shown in the window of the cab, his hand on the throttle, is John Luther “Casey” Jones, the “brave engineer” who lost his life on April 30, 1900, when the 638, pulling the Illinois Central “Cannonball,” was wrecked near Vaughn, Miss. In the gangway is J.W. “Bull” McKennie, who fired for two years for Casey. Photo taken in 1900 shortly after he was assigned to this engine, which was equipped with a six-chime whistle, glistening bell and glittering hand rails. Legend has it that Casey could make the whistle almost sing.

“Due to the historical importance of Division 99 — the fact that it was the home division of Engineer Casey Jones, the most famous of all BLE members — Division 99 will remain a ‘de jure’ Division,” NST Walpert wrote in a letter to General Chairman John Koonce. “Although there will be no officers or active members of Division 99, retired members may elect to remain in Division 99, or transfer to any division of their choice.”

The BLET itself was founded as the Brotherhood of the Footboard on May 8, 1863, making it the oldest labor union in the Western Hemisphere. In 1864, the union changed its name to Brotherhood of Locomotive Engineers, and in 2004, became Brotherhood of Locomotive Engineers and Trainmen after it merged with the International Brotherhood of Teamsters.

According to BLET archives, Division 99 was originally founded in 1869, but



As a member of the BLE, Casey Jones had life insurance through the Brotherhood’s Locomotive Engineers’ Mutual Life and Accident Insurance Association. Casey’s widow, Janie Jones, benefited from two \$1,500 policies.

surrendered its charter 1874. The Division was re-formed and a new charter was granted on September 6, 1880. A duplicate charter was issued on December 11, 1978, after the 1880 charter was stolen.

“Casey Jones is an central component of railroad lore and we are proud to call him a member of our storied organization,” BLET National President Ed Rodziewicz said. “Although Division 99 is now merged with another Division, we are happy to preserve its historical significance.” ©

Photos: BLET archives

THE BALLAD OF CASEY JONES

This version was considered by Janie Jones, Casey’s wife, to be the most accurate representation of Wallace’s original version. Mrs. Jones spent much of her life refuting some of the vulgar references other versions made about her husband.



Casey Jones

Come all you rounders if you want to hear
A story ‘bout a brave engineer,
Casey Jones was the rounder’s name
‘Twas on the Illinois Central that he won his fame.

Casey Jones, he loved a locomotive.
Casey Jones, a mighty man was he.
Casey Jones run his final locomotive
With the Cannonball Special on the old I.C.

Casey pulled into Memphis on Number Four,
The engine foreman met him at the roundhouse door;
Said, “Joe Lewis won’t be able to make his run
So you’ll have to double out on Number One.”

If I can have Sim Webb, my fireman, my engine 382,
Although I’m tired and weary, I’ll take her through.
Put on my whistle that come in today
Cause I mean to keep her wailing as we ride and pray.

Casey Jones, mounted the cabin,
Casey Jones, with the orders in his hand.
Casey Jones, he mounted the cabin,
Started on his farewell journey to the Promised Land.

They pulled out of Memphis nearly two hours late,
Soon they were speeding at a terrible rate.
And the people knew by the whistle’s moan.
That the man at the throttle was Casey Jones.

Need more coal there, fireman Sim,
Open that door and heave it in.
Give that shovel all you got
And we’ll reach Canton on the dot

On April 30, 1900, that rainy morn,
Down in Mississippi near the town of Vaughan,
Sped the Cannonball Special only two minutes late
Traveling 70 miles an hour when they saw a freight.

The caboose number 83 was on the main line,
Casey’s last words were “Jump, Sim, while you have the time.
At 3:52 that morning came the fearful end,
Casey took his farewell trip to the Promised Land.

Casey Jones, he died at the throttle,
With the whistle in his hand.
Casey Jones, he died at the throttle,
But we’ll all see Casey in the Promised Land.

His wife and three children were left to mourn
The tragic death of Casey on that April morn.
May God through His goodness keep them by His grace
Till they all meet together in that heavenly place.

Casey’s body lies buried in Jackson, Tennessee
Close beside the tracks of the old I.C.
May his spirit live forever throughout the land
As the greatest of all heroes of a railroad man.

Casey Jones, he died at the throttle,
Casey Jones, with the whistle in his hand.
Casey Jones, he died at the throttle,
But we’ll all see Casey in the Promised Land.

(Lyrics from www.trainweb.org)



Education & Training travels

Each year, the BLET's Education and Training Department hits the road to provide valuable classroom training to elected BLET officers.

"The BLET is a service organization and our goal is to meet the needs of the membership," said, BLET National Secretary-Treasurer Bill Walpert, who is also Chairman of the Education and Training Department. "Members expressed a strong interest in more educational opportunities close to where they live and work, so the Education and Training Department travels the country each year conducting numerous workshops as a service to the members."

In 2008, the Education and Training Department traveled from coast to coast, conducting workshops for Local Chairmen, Secretary-Treasurers, Legislative Representatives and General Chairmen. In all, more than 500 elected BLET leaders completed training at these workshops in 2008.

The Department will ramp up their training in 2009, due to the upcoming triennial elections. The Brotherhood's newly-elected officers will require training so they can perform their jobs properly.

Be sure to monitor the BLET website, www.ble-t.org, for the latest information regarding upcoming Education and Training Department workshops in your area.



2008 Workshops

- 1. January 27-30:** Secretary Treasurer LM-2 Workshop - Madison, WI
- 2. February 24-27:** Secretary Treasurer Workshop — Dallas, TX
- 3. March 2-5:** Secretary Treasurer Workshop — Jacksonville, FL
- 4. March 9-14:** Legislative Representative Workshop — Washington, DC

5. March 16-21: Local Chairman Workshop - Champaign, IL

6. March 30-April 3: General Chairman Workshop — St Louis, MO

7. November 2-6: Local Chairman Workshop — National Labor College, Silver Spring, MD

8. December 14-17: Secretary Treasurer Workshop — Cleveland, OH

2008 Regional Meetings

8. June 15-19: SMA - Montgomery, AL

9. July 6-10: EUMA — Sawmill Creek, OH

10. August 17-10: IWC — San Luis Obispo, CA

11. September 14-19: SWCM - St Louis

2009

Calendar & Events

March 1-6, 2009

BLET Education & Training Department Legislative Representative Workshop

The BLET Education & Training Department is coordinating a workshop for all BLET Legislative Representatives at Teamster headquarters in Washington, D.C. Registration is on a first come, first served basis. Register online at <http://www.ble-t.org/lr>. For details, contact Ken Kroeger, Kroeger@ble-t.org, or call (216) 272-0986.

March 22-28, 2009

Advanced Local Chairman Workshop

The BLET Education & Training Department will conduct an Advanced Workshop for all BLET Local Chairmen at the University of Illinois in Champaign, Ill. Prerequisites for the class include: Successful completion of the first Local Chairman Workshop; and you must be a current Local Chairman or on the Local Committee of Adjustment. Registration is on a first come, first served basis. Register online at <http://www.ble-t.org/lc>. For details, contact Ken Kroeger, Kroeger@ble-t.org, or call (216) 272-0986.

July 5-9, 2009

71st Annual Eastern Union Meeting Association, Philadelphia, Pa.

Brother Sean Simon, Vice President of BLET Division 226 (Newark, N.J.), is Arrangements Chairman of the 2009 EUMA in Philadelphia, Pa. It will be held at the Hyatt Regency Philadelphia at Penn's Landing (201 S. Columbus Blvd., Philadelphia, PA 19106: Phone: (215) 928-1234. The room rate will be \$169 per night. To contact Brother Simon, call (609) 558-6405 or email: EUMA2009@aol.com.

July 28-August 1, 2009

Military Railway Service Reunion

Organizers are planning a large reunion of MRS veterans who served during WWII and Korea, which will be held at Ft. Eustis, Va., as part of the Army's Transportation Corps week. More details coming soon. Email Mark Metz for details: m-m-e@comcast.net.

August 9-14, 2009

69th Annual International Western Convention, Green Bay, Wisc.

Brother John Reynolds, Wisconsin Central General Chairman and member of BLET Division 209 (Green Bay, Wisc.), is Chairman of the 2009 IWC in Green Bay, Wisc. It will be held at Radisson Hotel & Conference Center Green Bay (2040 Airport Drive, Green Bay, WI 54313: Phone: (920) 494-7300). The room rate will be \$94 per night. To contact Brother Reynolds, call (920) 462-4509 or email: JReynolds-BLET@newbc.rr.com.

September 13-16, 2009

75th annual Southwestern Convention Meeting, Kansas City, Mo.

Mike Zennter, ST of Division 130, is Host Chairman of the 2009 SWCM in Kansas City at the Hyatt Regency Crown Center (2345 McGee St., Kansas City, MO 64108: Phone: (816) 421-1234). The room rate will be \$139 per night. To contact Brother Zenner, call (816) 804-9107 or email: zmike5@kc.rr.com.

Increased risk for switching fatalities around the holidays

Weather Advisory

Injuries resulting from slips, trips and falls spikes during Winter months.

Winter weather brings risk to switching operations, and all BLET members who work in yard operations are reminded to recognize special switching hazards during winter months.

The Switching Operations Fatalities Analysis (SOFA) Working Group recently issued its quarterly advisory for December, January and February. The report noted that switching fatalities and SOFA-defined severe injuries are historically higher in winter months and members are urged to take caution.

"Risk takes no holiday on the railroad"

The SOFA Working Group has analyzed statistics dating to 1992, and has concluded that the period from December 22 to January 14 is particularly problematic.

"While realizing that fatalities occur at all times of the year, there seem to be a cluster in this 24-day period," the report reads. "It is not clear to the SOFA Working Group why this should be. However, unfortunately, employees engaged in switching operations have lost their lives around the holiday season."

Members are reminded to re-

main focused on the tasks at hand during the busy holiday season.

"Stay on your feet, not on your seat"

The SOFA Working Group also reported that injuries resulting from slips, trips and falls always increase in winter months.

Of 1,448 severe injuries, 605 — 41.8 percent — resulted from slips, trips and falls.

Slips, trips and falls can occur due to many things (oil, grease or other slippery substances, ballast, spike, etc...). However, members should be increasingly aware of climatic conditions (snow, ice, etc...) during winter months. @@

NASLBC announces 2009 annual meeting

The National Association of State Legislative Board Chairmen (NASLBC) will convene their 2009 annual meetin in Philadelphia, Pa., at the Hyatt Regency-Penn's Landing from June 30-July 3.

The meeting is scheduled to coincide with the Eastern Union Meeting Association (EUMA) annual convention, which will take place at the same hotel from July 5-9, 2009

The BLET State Legislative Board Chairmen convene annually for the purposes of sharing legislative issues and ideas as

well as offering assistance to newly elected Chairmen. Meetings are conducted in an open forum and associate BLET officers are always welcomed to attend and partake in the activities (except closed meetings).

It is expected that officers from the BLET National Division will be in attendance to make several informational presentations at the meeting, including National President Ed Rodziewicz, First Vice President Paul Sorrow, National Secretary-Treasurer Bill Walpert, and Vice President & National Legislative Representative John Tolman.

The NASLBC was first established by a small group of concerned former BLE State Chairmen in 1975, and it has grown to meet the demanding needs of the membership through the years.

The NASLBC is comprised of 38 State Legislative Boards across the United States and represents thousands of hard-working members of the BLET.

More information can be secured by contacting Tim Smith, NASLBC Chairman at: tsmith@sbcglobal.net; or Ken Kertesz, NASLBC Secretary-Treasurer, at: kkertesz@comcast.net. @@

Historic mural returns to BLET

A significant piece of art history was returned to the Brotherhood of Locomotive Engineers and Trainmen in late October.

An immense mural, titled "History of United States Locomotives," originally commissioned by the BLET in 1937, came home to the Brotherhood after nearly a decade "on loan." It is a unique and interesting story.

The mural was commissioned in 1937 to hang in the lobby of the Engineers Building in downtown Cleveland, the former national headquarters of the union. The massive mural stands nearly four feet tall and stretches 102 feet in length.

In 2006, the Cleveland Artists Foundation published a report titled "Covering History: Revisiting Federal Art in Cleveland 1933-1943." The author describes the BLET mural as follows:

"This monumental work consists of 15 panels, each depicting a stage in the development of railroad transportation in the United States. The simple figures, strong compositional patterns and the sheer size of the mural (approximately 100 feet running) make it quite dramatic."

The Artists

Artists Earl J. Neff and Leo Nowak were hired for the project in 1937. The mural shows the progression of locomotives in America, from a legendary race between a steam powered rail car and a horse drawn wagon, to the sleek streamlined steam engines of the mid 1930s.

Neff, a prominent artist, painted many other murals in the Cleveland area during the Depression era. Nowak rose to fame shortly after completion of the BLET mural. He became one of the earliest illustrators of the Superman comic books, working out of the DC Comics studio in Cleveland (the city where Superman was created).

Neff and Nowak were paid \$700 for the mural.

Mural's History

The mural graced the lobby of the Engineers' Building for more than 50 years. In the late 1980s, the city of Cleveland was enjoying a renaissance. Tax payers had just approved funding for a new major league baseball field and a new indoor arena for the city's professional basketball team, the Cleveland Cavaliers.

As good as this was for the city, it spelled bad news for the BLET. Developers seeking to capitalize on the building boom in downtown Cleveland convinced members of City Council that the location of the Engineers' Building would be a perfect location for a new hotel. They successfully convinced city leaders to aggressively pursue acquisition of the Engineers' Building from the BLET with the threat of imminent domain.

Rather than spend millions in a lengthy lawsuit, BLET leaders at the time agreed to sell the building to the city and move



The 100-foot long mural chronicles the progression of railroading in the United States, highlighting the evolution of locomotives from the earliest days of railroading until 1937 when the mural was completed.

across the street to the union's other skyscraper office building, the Standard Building.

The mural was removed from the lobby of the Engineers' Building when it was demolished in 1989. The mural was placed in storage in the Standard Building while union leaders decided what to do with it.

Loaned to NBA Franchise

A young architect who was hired to help BLET leaders design their new offices in the Standard Building also happened to be working with the Cleveland Cavaliers National Basketball Association franchise on their new arena. She became aware of the BLET mural and suggested it a loan involving the Cavaliers.

BLET attorneys drafted a legal document that gave the Cavaliers ownership of the mural, so long as it was displayed in their facilities. If they were to remove it, then it had to be returned to the union.

The Cavaliers organization spent more than \$50,000 to clean, restore and mount the mural on aluminum backing. The murals were displayed in a special court-side lounge for season ticket holders dubbed "The Depot Room," which the Cavaliers decked out with a railroad theme to compliment the murals.

The murals were on display there for more than a decade. In fact, the BLET



National Division held its Christmas party there twice over the years.

However, a new owner brought change to the franchise. And while the fortunes of the team have improved, the mammoth BLET mural wasn't part of their rebuilding program.

Mural Mistakenly Donated

The new owner, Dan Gilbert, renovated The Depot Room and removed the mural. The Cavaliers organization, clearly unaware of their legal obligation to return it to the BLET, donated it to a local Cleveland art gallery. That gallery, in turn, donated it to another gallery. The mural exchanged hands several times before it would up in the hands of the Cleveland Artists Foundation.

Unaware that the mural had been mistakenly donated, Tom Grdina, Manager of the BLET's Standard Building, decided on a whim to contact the Cavaliers regarding the mural. After finding out it was no longer in their possession, Tom played detective for several weeks, making countless telephone calls to track down the location of the beloved mural.

After retrieving it from the Cleveland Artists Foundation, the BLET made a \$500 donation to the non profit organization.

The BLET hired a moving company to retrieve the mural, and it was returned to BLET headquarters on October 30.

Back Home

It is unlikely the BLET will let the mural out of its possession again. It is a powerful piece of art that evokes awe and wonder in those who view it.

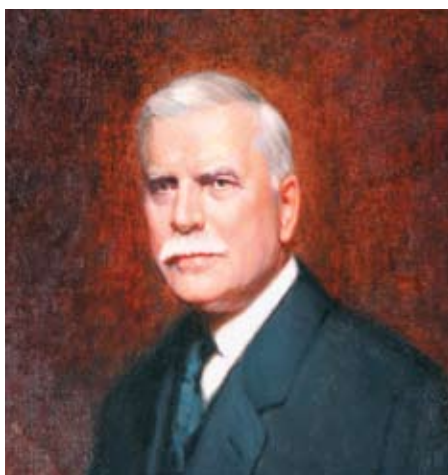
Temporarily, the mural is in storage while renovations are made to put it on permanent display at BLET headquarters in Cleveland. The BLET is also considering ways to reproduce the mural, such as calendars, post cards, and high quality prints.

"We're ecstatic to have the mural back home where it belongs," BLET National Secretary-Treasurer Bill Walpert said. "I encourage all BLET and Teamster members to come see it in person as photos do not do it justice because of its immense size and scale."

NST Walpert also thanked Tom Grdina for his dogged determination to track down and reclaim the mural. ©©



Warren S. Stone held the Brotherhood's highest office from 1903-1924. An oil portrait of Brother Stone, right, is similar to an image in the recently re-acquired "History of Locomotives" mural.



Peter M. Arthur, the longest-serving President in Brotherhood history (1874-1903), may also appear in the mural.



Former BLE Chiefs depicted in mural?

Some locomotive engineers in the mural bear a striking resemblance to two past leaders of the organization. While many engineers in the mural are non-descript, a few were painted with great detail.

For example, the engineer in one panel looks remarkably like former Grand Chief Engineer Warren Stone.

In another case, an engineer looks a lot like former Grand Chief Engineer Peter M. Arthur.

Arthur was the longest-serving and most highly respected Chief in the BLE's history. He served from 1874-1903.

Stone was Chief during the BLE's financial peak, and spearheaded construction of the union's two downtown headquarters building, the former Engineers Building (1910-1989) and the Standard Building (1925 to present). He held

the union's top office from 1903-1924.

Combined, the men led the Brotherhood for more than 50 years. Arthur is credited with keeping the organization from unraveling during its tumultuous early days. He brought the union from the brink of collapse to one that was thriving when he died in office in 1903. Stone is credited with building the union into the wealthiest and most powerful union in the world when he died in office in 1924.

The mural was commissioned during the tenure of Grand Chief Engineer Alvanley Johnston, who served from 1927-1950. It's possible that Johnston chose to honor these past leaders in some small way by including them in the mural. However, this is merely speculation. All BLE officials from that era have passed and no one is left to confirm these suspicions. @@



LAST RUNS

Members of BLET Division 421 (Buffalo, N.Y.) held a retirement party to honor William P. "Bill" Brady following his Last Run on November 7, 2008



From left: Jim Louis, New York State Legislative Board Chairman; Tom Roberts, Conrail (SAA/CSX-Northern District) General Chairman; Retiree Bill Brady; and Ed Rodziewicz, BLET National President.

Chairman of the New York State Legislative Board.

He served the Brotherhood as Local Chairman of Division 544 prior to its merger with Division 421.

"He one of the priceless assets of Division 421," said Chairman Louis, also a Division 421 member. "Bill rarely missed a meeting and was always there to mentor many of the officers and the members of our division."

His son Ryan, has followed is father railroad footsteps and is now a conductor for CSX. @@

Brother Brady hired out on the Lehigh Valley Railroad in February of 1966 and earned promotion to Locomotive Engineer in March of 1968. He joined the BLET on November 1, 1973.

"He has worked for the Lehigh Valley, Conrail and then CSX for 42 years with a spotless safety record," said Jim Louis,

FMLA headline

CONTINUED FROM PAGE 1 <->

the two. The carriers are therefore not permitted to require substitution of paid personal leave and/or single vacation days for FMLA leave before those days are set."

Regarding the second, the arbitrators wrote that they: "similarly see no distinction that would vary the impact of our Award, which we intended to apply to [the BLET] agreement's subject matter just as it does to all the others. Our

Award therefore bars substitution of paid personal leave under the BLET national personal leave agreement."

The unions are now preparing for the remedy phase of the arbitration. It is expected that a decision on that issue will be issued sometime this spring. Attorneys Mike Wolley and Margo Pave of the firm Zwerdling, Paul, Kahn & Wolley, P.C., are handling the case for BLET and several other Rail Labor unions.

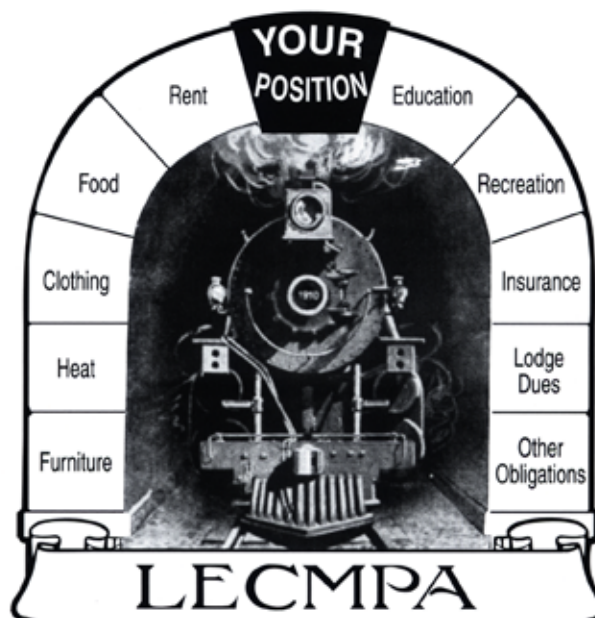
More information regarding subsequent hearings will be made available on the BLET website. @@

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*Job Protection Headquarters for Transportation Employees
Since 1910*

An inaugural journal

BLET's Bill Walpert was one of 2 million witnesses to President Obama's inauguration

By WILLIAM C. WALPERT
NATIONAL SECRETARY-TREASURER

It was with excitement and a little trepidation that my wife Janet and I loaded our bags in our minivan and headed east to Washington, DC. We were on the road to share in history—the inauguration of the 44th President of the United States—Barack Obama.

Upon arrival in Washington, the anticipation of a momentous event was palpable as we drove through the crowds. Patience was a necessity as we waited for the waves of tour buses to maneuver through the congested downtown streets. We checked into our hotel on Capitol Hill, only blocks from the site of the inauguration ceremonies on the Capitol Mall. After a quick dinner with First Vice President Paul Sorrow who had also just arrived from Ohio, we called it an early night once we had reviewed the jam-packed itinerary for the next few days.

On Sunday we were fortunate enough to get tickets to the Ohio Gala held at the Mayflower Hotel, thanks to Vice President and National Legislative Representative John Tolman. At the gala we ran into several BLET members, including Bill Verdeyen, Indiana State Legislative Board Chairman, and his wife Sue; Herb Harris, Chairman of the District of Columbia Legislative Board; Bob Hagan, member of Division 757 and Ohio State Representative. The effervescent mood of those present augured the feeling of the city as it readied for the historic inauguration.

After attending several preliminary events, including a reception for Senate Majority Leader Harry Reid and a breakfast for the Democratic Governors' Association at the IBT headquarters, it was finally inauguration day. On the sunny albeit bitterly cold day, we walked the few blocks to the National Mall and joined the boisterous but polite crowds as they lined up for blocks.

I was astonished at the demeanor of those who waited patiently in the long lines. There was no shoving or cutting in line. Everyone of the diverse multiethnic throng was in high spirits and participating in the spirit of cooperation and the sense of a new beginning. A young couple ahead of us in the line talked of the great opportunities available to America as the father held their weeks' old baby. He commented that the infant can tell her chil-



The Obama Express, a special Amtrak train, safely brings the president-elect and his family to Washington, D.C.

Photo: Luke Sharrett



Bill Walpert braves the cold to witness the inauguration.

dren that she was a part of history.

Once we made our way to the assigned area where we were to watch history in the making we could only barely make out the stage, but the excellent big screen and public address system allowed us to see and hear everything that was going on. It was my impression that President Obama's speech was not designed to be an oratorical masterpiece, but a down-to-earth account of the obstacles America faces and how we must address those hurdles in a steadfast and unswerving line of attack.

Walking back from the Mall after the conclusion of the ceremonies, the multi-



The Midwest Ball allowed Brother Walpert to catch a glimpse of the President and First Lady.

tude, estimated to be two million people, was in a buoyant mood, graciously allowing lines to merge, smiling and flashing the peace sign. They were tired, some standing since four a.m., and cold, but their spirit was unflagging.

That evening, thanks to Christie Bailey of the IBT, were able to procure tickets to the Midwest ball held at the convention center. People from all walks of life were

there, sharing in the jubilant atmosphere. When President Obama and his wife Michelle entered the large hall, everyone crowded to get a glimpse of the new president. They danced to the sounds of the National Coast Guard band and the President spoke to us, saying "let's now get to work putting this country back on track." Emotional and poignant words spoken by our new Commander-in-Chief. ☺☺

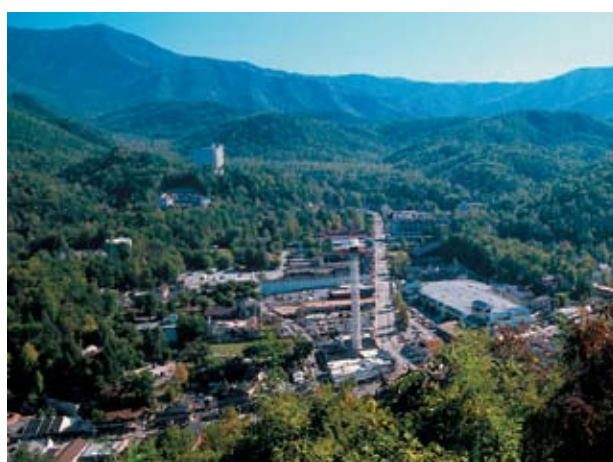
Think spring!

Plan ahead for SMA in Gatlinburg, Tenn.

It may still be winter, but it's an excellent time to plan ahead for the first BLET regional meeting of the year — the 82nd annual BLET-BLET Auxiliary Southeastern Meeting Association (SMA) in Gatlinburg, Tenn.

Slated for June 7-11, 2009, guests will stay at the Park Vista Hotel & Conference Center, a destination in itself with rooms offering 360-degree views of the Great Smoky Mountains.

Reservations can be made by calling the hotel — which is located at 705 Cherokee Orchard Road, Gatlinburg, TN 37738 — at (865) 436-9211. More information about the hotel is also available online at www.parkvista.com. Room rates are \$103 per night. Deadline for room reservations is May 1 — after that, rooms may not be available, or may be significantly more expensive than \$103 per night.



The 2009 SMA will offer the traditional leisure time activities, including the annual motorcycle ride and golf tournament, as well as numerous family-fun opportuni-

ties unique to the Gatlinburg area (Dollywood theme park and Splash Country in nearby Pigeon Forge; aquarium; a hay ride through the Great Smoky Mountains National Park; and a barbeque with live blue grass music).

"Gatlinburg is a great family vacation," said SMA Chairman John Mason, who is organizing the convention with the help of his wife Lori and the members of BLET Division 239 (Knoxville, Tenn.). Brother Mason is Local Chairman of Division 239.

He also noted that a free trolley service runs between Gatlinburg and Pigeon Forge every 30 minutes all day long.

Registration information and specific convention details will be made available soon.

For more information, please contact Brother Mason at: (865) 523-2684; or email scooterloco@comcast.net or LN67@comcast.net. ☺☺

Photo: courtesy Gatlinburg Chamber of Commerce



>> FEDERAL EMPLOYERS' LIABILITY ACT (FELA)

There is no disability set-off for tier II tax benefits under the FELA

"BLET designated legal counsel are opposing these attacks on the rights of our railroad clients."

The Supreme Court in Eichel left no doubt, in reversing the Second Circuit, that receipt of disability benefits under a Federal Statute, the Railroad Retirement Act, was to be excluded in all FELA trials as possible misuse by the jury outweighed the value of such evidence. Eichel has been good law since 1963 and it has not been changed.

Our firm has noticed railroads now want to place the Tier I and Tier II Railroad Retirement tax before the Court and/or the jury seeking a set-off with the intent of prejudicing the plaintiff by claiming he is not working because he

receives disability payments. The railroads want to encourage the jury to speculate on whether or not plaintiff is properly receiving a disability and/or a regular annuity pension under the Railroad Retirement Act and therefore improperly reduce his damages and lost wages accordingly. The Tier I and Tier II tax setoff and/or the annuity itself which the railroads want to eventually introduce in all FELA trials is a ploy to alert the jury to plaintiff's receipt of an annuity. The defendant railroads hope that the annuity amount will then be used to reduce plaintiff's wage loss or to paint him as a "free loader" in direct contradiction to the Eichel holding and the legislative intent of the FELA.

In CSX Transportation, Inc. v. Gardener, 874 N.E.2d 357 the Court of Appeals of the State of Indiana, in applying Eichel and the federal collateral source rule held:

(1.) Disability annuities received by employees from the RRA (Railroad Retirement Act) fund

were from a collateral source, such that railroads payments to the RRA fund based on employee's employment could not be set off against employee's FELA award.

(2.) FELA set off provisions did not apply to RRA benefits.

The defendant, CSXT's, position was unanimously rejected and Gardner's position was sustained. CSXT's argument for a setoff claiming that Gardner got a windfall at CSXT's expense was rejected by the Gardner Court. In effect, CSXT claimed that it was, in effect, required to pay twice for Gardner's lost wages; first, by contributing to the fund used to pay Gardner's disability annuity; and second, by paying Gardner for his lost wages as part of the FELA award. Gardner, on the other hand, argued that the annuity he receives pursuant to the RRA Fund should not be regarded as payment from the tortfeasor CSXT, but as payment from a federal "collateral source"

and thus not deductible. Gardner was successful in arguing that the trial court properly disallowed the setoff. Gardner and Eichel are good law and a railroad's request for a set off should be denied in all cases.

Conclusion

Based upon CSXT's tactics it is clear that the railroads are still attempting to undermine FELA and attempting to limit the rights of their workers. Luckily, BLET designated counsel are opposing these attacks on the rights of our railroad clients.

Submitted by:



John Collins and Pat Donoghue

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BLET AUXILIARY

BLET Auxiliary offers 2009 scholarships

EDITOR'S NOTE:

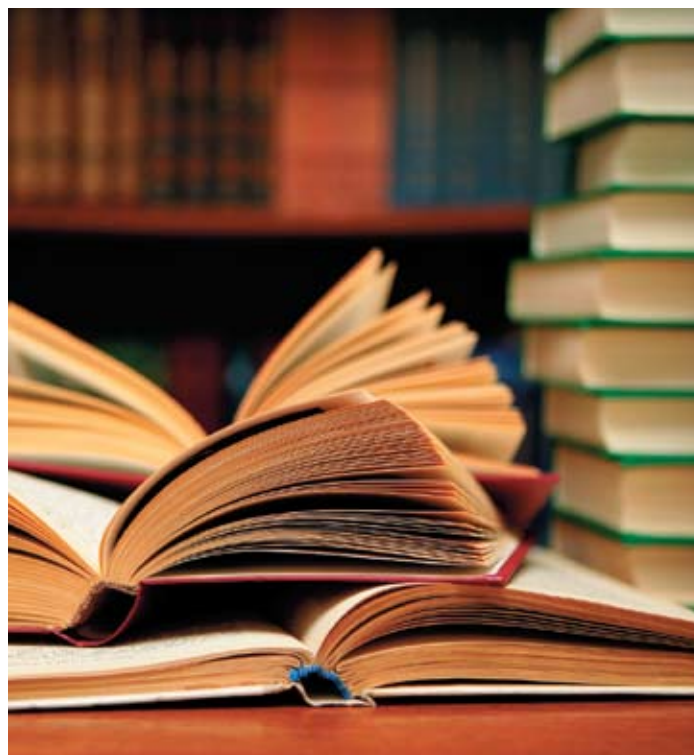
DUE TO A PRINTER'S ERROR, OUT OF DATE SCHOLARSHIP INFORMATION FROM 2008 WAS ACCIDENTALLY PUBLISHED LAST MONTH IN THE 2009 BLET SCHOLARSHIP DIRECTORY. BE ADVISED THE FOLLOWING IS THE MOST UP-TO-DATE SCHOLARSHIP INFORMATION FROM THE BLET AUXILIARY, AND MEMBERS SHOULD DISREGARD THE AUXILIARY INFORMATION PUBLISHED IN THE JANUARY ISSUE.

The BLET Auxiliary offers \$1,000 scholarships annually to help the children of BLET and Auxiliary members realize their goals in life.

There are two very strict guidelines that must be met in order to be eligible for Auxiliary scholarships. First, the applicant must be a son or daughter of both an Auxiliary and BLET member (living or deceased), with each being a member for two years. Second, the applicant must be enrolled or accepted for enrollment in an accredited university, college or school of higher learning.

In addition to its own scholarships, the Auxiliary is administering one special scholarship for the Eastern Union Meeting Association (EUMA) and two for the International Western Convention (IWC) in 2009. Auxiliary membership is not a requirement to apply for these three special scholarships. If applicants are not awarded one of these scholarships and a parent is not a member of the Auxiliary, then they are not considered eligible for any Auxiliary scholarships.

The John Thomas Collins



& Mary M. Collins Memorial Scholarship is for children of members participating in EUMA. This covers Divisions, Auxiliaries and Members-at-Large in the following states: Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Washington D.C., and West Virginia. Applicants for the Auxiliary-EUMA schol-

arship must have a parent participating in the EUMA.

The Auxiliary also offers a joint scholarship program for children of members participating in the IWC. This covers Divisions, Auxiliaries and Members-at-Large in the following states: Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wisconsin, and Wyoming. Applicants for the Auxiliary-IWC scholarship

must have a parent participating in the IWC.

In order to continue to be eligible for the joint Auxiliary-IWC-EUMA scholarship beyond the first quarter and/or semester, the recipient must maintain satisfactory academic status. If the applicant is a graduate student or returning to school as a sophomore, junior or senior, he or she must have a 3.0 grade point average or better to be considered. The applicant must also be accepted to an accredited school. The deadline for all Auxiliary-administered scholarships (including joint EUMA and IWC scholarships) is April 1, 2009. Late applications will not be considered.

Auxiliary application forms are online at: <http://www.bletauxiliary.net>, or you can link from the BLET Website under "Departments."

In addition to the application, the Auxiliary website provides scholarship applicants with more detailed instructions on the application process.

Mail completed forms to: Anita J. Caruso, National Secretary, 3341 S. 112th Street, Omaha, NE 68144-4709. For details, email Sister Caruso at: Bunziegia@cox.net. ©

A message from
Teamsters General President
James P. Hoffa

Change We Can Believe In

No president since Franklin D. Roosevelt has had the opportunity to positively impact the lives of every American that Barack Obama has before him. He has inherited quite a mess, but I know that he is up to the challenges that lie ahead.

Working families across the Midwest have long suffered the effects of a declining industrial base. More recently the housing market's disintegration spread the pain to Southern California, Ohio, Nevada, Arizona and Florida. Finally, America's deep troubles swamped everyone when the global financial system teetered on the brink of collapse.

It didn't happen by accident. It happened because Wall Street captured our government and held the middle class hostage. Under the Bush regime, America became a place where financial plunderers were rewarded lavishly and work was no longer respected. In 2007, the top private-equity and hedge fund managers earned more in 10 minutes than average workers earned all year.

It wasn't important anymore to make sure middle-class workers earned decent wages. The Labor Department became a useful tool for predatory employers. Labor Secretary Elaine Chao ignored flagrant union busting and the widespread theft of wages and benefits.

Nor did it matter any more if people were killed or maimed on the job or in transit or in their homes. OSHA simply quit enforcing workplace safety rules. We opened our borders to dangerous Mexican trucks and our markets to Chinese goods, but we didn't require them to meet U.S. standards.

Somehow we forgot that our prosperity and growth depended on a solid industrial base. In the name of a pleasant fantasy called "free-trade" we sent our factories overseas and pauperized the workers left behind. Regulatory agencies created to serve and protect the middle class were allowed to atrophy. Our infrastructure crumbled.

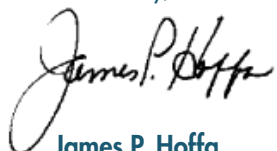
I have confidence that President Obama understands the cause and the consequence of our decay. He said he'll review bad trade deals like NAFTA, and I believe him. I also expect him to support reforms that set standards for trade agreements, restore congressional oversight and require reviews of existing trade pacts.

I expect him to start the long, slow process of restoring our regulatory agencies so they do what they are supposed to do. He has, for example, pledged that he will close the border to dangerous Mexican trucks.

He supports the most significant labor law reform in decades: the Employee Free Choice Act. Passage of that bill will restore some balance to the relationship between Wall Street and workers. Incoming Labor Secretary Hilda Solis will revive OSHA and fine abusive employers.

In short, he will effect change that we can all believe in.

Fraternally,



James P. Hoffa

TEAMSTERS GENERAL PRESIDENT

PHOTO OF THE MONTH



SEPTA cab concerns Philadelphia's commuter rail system, Southeastern Pennsylvania Transportation Authority (SEPTA), is ordering 120 new Silverliner V railcars for \$274 million, but the BLET is raising the red flag regarding the safety and security of the new units. After examination of a prototype, BLET First Vice President Paul Sorrow met with Philadelphia Mayor Michael A. Nutter to make him aware of the BLET's concerns. Brother Sorrow reports the meeting was successful and says the Brotherhood is currently engaged in discussions with SEPTA to make sure the new units include improved safety and security measures for the protection of BLET members and the traveling public. **Photo:** by H. Rumph Jr.

Advisory Board December Activity

In accordance with the BLET Bylaws, summaries of BLET Advisory Board members' activities are published monthly:

National President Edward W. Rodzicz — National Division office: General supervision of BLET activities; General office duties; Various correspondence & phone calls; President, Teamsters Rail Conference.

First Vice-President and Alternate President Paul T. Sorrow — Performed various duties in Office Administrator capacity; Various duties assigned to First Vice President; Various correspondence and telephone communications; General supervision of Special Representatives; Thanksgiving; National Handing Working Group, National Division Office, Cleveland, Ohio.

National Secretary-Treasurer William C. Walpert — General supervision of BLET financial, record depts.; ND office; BLET Education & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; Safety Task Force; Meetings with vendors and financial institutions; Standard Building operations oversight; Joint Division Christmas party, Shreveport, La.; Joint Division Christmas party, Kansas City, Mo.; Advisory Board mtg., Cleveland.

Vice-President Richard K. Radek — ND Office; BLET Decertification Helpline services; Director of Arbitration Dept; National Railroad Adjustment Board (NRAB); Illinois Central; Wisconsin Central; Indiana Harbor Belt; METRA; Belt Rwy. of Chicago; Chicago Central & Pacific; Duluth, Missabe & Iron Range; Routine office duties, Chicago and Cleveland; Mtg. w/ VGC Hill, re: Alexander (240.409) case; Nat'l Wage/Rules Committee, Septa; Mtg., re: PLB 6936 representation issues, CSX; Remote control, manning case work, BRC; FRA Part 240.409 dockets this month: EQAL 05-59 (CSX), 00-42 (NS), 03-47 (BNSF), 07-14 (Septa), 07-32 (UP), 07-38 (UP), 07-11 (VTI), 06-17 (KCS), 07-44 (NS), 02-04 (UP), 05-54 (CSX), 07-48 (UP).

Vice-President Merle W. Geiger Jr. — Assigned to: BLET Trainmen's Department; Kansas City Southern; Texas-Mexican Rwy.; Midsouth Rail; Southrail; Gateway Western; CP Rail System/U.S.; Portland & Western RR; Great Western RR; Christmas dinner w/ Division 599 (KCS), Shreveport, La.; Mtgs. w/ GC Parker, GC Clark, UTU and Kansas City Southern, Kansas City, Mo.; Christmas dinner w/ Division 573 (KCS), Greenville, Texas; Advisory Board mtg., Cleveland; Vacation; Holidays; Research, correspondence and general office duties.

Vice-President Stephen D. Speagle — Assigned to Burlington Northern Santa Fe, Montana Rail Link, Pacific Harbor Line, Missouri & Northern Arkansas (M&NA), National Wage/Rule Committee; General office duties; Mtg. w/ GC Gibbons, BNSF, Fort Worth, Texas; Public Law Board 6659, PHL, Washington, D.C.; Division 155 mtg., BNSF, Decatur; PLB 7151, BNSF, Chicago; Vacation; Holiday; Mtg. w/ BLET General Chairmen and BNSF vice president, Fort Worth.

Vice-President E.L. "Lee" Pruitt — Assisted general chairmen & members of: UP-Western Lines; UP-Western Region; UP-Central Region; UP-Southern Region; UP-Tacoma Belt; Office duties, paper work, filing and calls.

Vice-President & National Legislative Representative John P. Tolman — Assigned to BLET Washington, DC office; BLET Security Officer; General Office Duties, telephone, correspondence; Coordinate content of NLO website; Continued coordination w/ IBT Government Affairs Dept.; Coordinated PAC contributions; Attended RSAC mtgs. throughout December; Mtg. on hazmat issues; Association of American Railroads mtg.; PTC interoperability briefing; Mtg. w. Department of Transportation and Obama transition team; Advisory Board meeting, Cleveland; Organized Legislative Representative Workshop planning conference call; Attended various fundraisers.

Vice-President Marcus J. Ruef — Assigned to Amtrak; Port Authority Trans Hudson (PATH); Long Island Railroad (LIRR); Southeastern Pennsylvania Transportation Authority (SEPTA); New Jersey Transit (NJT); MNR; Norfolk Southern-All General Committees; Wheeling & Lake Erie; and NYAL; Study for PLB 7159, NS-S; PLB 7159 arbitration, Norfolk, Va.; Assist GC Dixon w/ letter, Septa; Letter to GC Knight, re: Speeding, NS-E; Dissent for PLB 7079, NEC; Div. 607 mtg. and Christmas party, NS-N, Cleveland; Div. 590 mtg., NS-N, Pittsburgh; Advisory Board mtg., Cleveland; SBA 1063 prep and Executive Session, NS-N, Chicago; Assist VGC Wallace with investigation, NS-S, Manassas, Va.; PLB 7159 awards adoption, NS-S; Assist GC Quinn, LIRR; Holiday; Assist Div. 659 LC T. Curran prepare for investigation, NS-N; Research RCO issues, NS-S.

Vice-President Dennis R. Pierce — Assigned to all CSX General Committees — Eastern Lines, Western Lines, Northern Lines, Conrail (SAA/CSX-Northern District) — and Indiana Rail Road, Alabama State Docks; Special projects, BNSF GCofAs; General office duties; Arbitration/ Public Law Boards, CSX-N, CSX-W, CSX-E GCofAs; CSX SSA dispute resolution committee, Jacksonville, Fla.; Mtg., BLET and CSX Executive Vice President Tony Ingram, Jacksonville; Mtg., BLET and CSX management on rail safety bill impact, Jacksonville; BLET Christmas party, Kansas City, Mo.; Advisory Board mtg., Cleveland; Public Law Board 6936, CSX-N, Chicago.

Vice-President Mike Twombly — Assigned to Delaware & Hudson; Springfield Terminal; St. Lawrence & Atlantic; Montreal, Maine & Atlantic; Union Railroad; Birmingham Southern; New York, Susquehanna & Western; New England Central; South Buffalo Rwy.; Iowa, Chicago & Eastern; Indiana & Ohio; Indiana Southern; Louisville & Indiana; Meridian Southern; Talleyrand Terminal Railroad; Prepare for IC&E mtgs.; Various mtgs. w/ BLET Organizing Director Tom Miller; Advisory Board mtg., Cleveland; IC&E mtgs., Sioux Falls, S.D.; Mtg. w/ H. Ross, Merle Geiger and MMA, re: negotiations; Holidays; Prep. for IC&E Section 6 notices.



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A Division Of The Rail Conference,
International Brotherhood Of Teamsters

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