



# NEWS

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## Tentative national contract reached

### BLET reaches agreement with NCCC through RLBC; 17 percent wage increase

On February 28, the Rail Labor Bargaining Coalition (RLBC), comprised of the members of seven rail labor unions, reached a tentative agreement on a national contract with the National Carriers' Conference Committee (NCCC), which represents the interests of America's freight rail corporations.

The tentative agreement's five-year term includes wage increases of 17 percent and ensures controls on health care co-payments. In the next month, ballot materials will be mailed out to members for ratification.

"I congratulate the Rail Labor Bargaining Coalition for standing tall in these negotiations," said Jim Hoffa, Teamsters General President. "This is a rallying day for rail labor. After 30 years, it's a sign of labor's strength that union members from seven rail unions were able to effect a pro-worker agreement from the rail corporations. Being an essential link in the global supply chain, we knew all along that railroads were profitable, and now our members can benefit from their prosperity."

The NCCC represents the interests of CSX, Norfolk Southern, Union Pacific, Burlington Northern Santa Fe and Kansas City Southern.

"More than 65,000 union rail members working on freight rail lines across America were well represented at the bargaining table by the RLBC," Hoffa said.

The BLET held a meeting on March 20 in Kansas City, Mo., providing detailed information to the Advisory Board, General Chairmen and State Legislative Board Chairmen. Additionally, a packet of information explaining the tentative agreement in detail will be sent to each member as part of his or her ratification ballot. It is expected that the agreement will become effective June 1, 2007, if ratified by the members.

The RLBC's members include the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Brotherhood of Maintenance of Way Employees Division (BMWED), divisions of the Teamsters Rail Conference. The RLBC also includes members of the National Conference of Firemen and Oilers, the Brotherhood of Railroad Signalmen, the Sheet Metal Work-

### Outline summary of proposed national contract

The following is an outline summary of the major elements of the tentative agreement reached February 28, 2007, between the Rail Labor Bargaining Coalition (RLBC) and the National Carriers' Conference Committee (NCCC). This outline is not intended to provide a comprehensive description or analysis of the Agreement.

The BLET will hold a meeting the week of March 19, 2007, to provide detailed information to the General Chairmen. Additionally, a packet of information explaining the tentative agreement in detail will be sent to each member as part of his or her ratification ballot. It is expected that the agreement will become effective June 1, 2007, if ratified by the membership.

#### WAGES

General wage increases on the following schedule:

- July 1, 2005 — 2.5%
- July 1, 2006 — 3.0%
- July 1, 2007 — 3.0%
- July 1, 2008 — 4.0%
- July 1, 2009 — 4.5%

#### HEALTH & WELFARE

• Expansion of in-network benefits and co-pays to employees who cannot obtain them today effective on July 1, 2007.

• In-network availability for over 90% of all employees, up from 75% today.

• Changes to in-network co-pays to pay for network expansion as follows:

- Visit to family doctor from \$15 to \$20.
- Visit to specialist from \$15 to \$35.
- ER visit (when not admitted as patient) from \$30 to \$50.

Prescription drugs:

• Retail — \$10 generic; \$20 brand name; \$30 non-formulary.

• Mail order — \$20 generic; \$30 brand name; \$60 non-formulary.

• Employee cost-sharing payments are 15% of monthly premium (employees currently pay about 14-15% through employee contributions starting on January 1, 2007 to pay for enhanced network coverage.

• Cost share adjustments will be made on January 1, 2008; January 1, 2009 and January 1, 2010.

• Employee cost sharing on January 1, 2010 will be capped at \$200 per month, or 15% of the January 1, 2009 rate whichever is greater. There will be no increase during the period unions and railroads bargain over next contract.

• Elimination of the "Harris COLA."

• Carriers will withdraw all work rules proposals regarding staffing/consolidation, manpower utilization and productivity improvements, and job actions.

ers, the International Brotherhood of Boilermakers and the American Train Dispatchers Association.

"We reached a positive outcome because of our unity," said Don Hahs, BLET National President. "It was a team effort with all RLBC unions working together toward one goal - negotiating a strong contract for our members."

"This agreement is a good example of the power of unity and solidarity," said Fred Simpson, President of the BMWED and Teamsters Vice President-elect. "No single union could have achieved this outcome standing alone. I am proud of the RLBC unions and their members who stood strong together throughout this difficult round of bargaining." •

## BLET again testifies before Congress on railroad security

Representatives of the Brotherhood of Locomotive Engineers and Trainmen were key witnesses during two days of hearings before the U.S. House of Representatives regarding H.R. 1269, the Rail and Public Transportation Security Act of 2007.

Edward Rodziewicz, First Vice President of the BLET and President of the Teamsters Rail Conference, and John Tolman, BLET Vice President and National Legislative Representative, testified at the hearings on March 6 and 7.

"The BLET has participated in five Congressional hearings regarding much-needed railroad security improvements in the first three months of 2007," said Don M. Hahs, BLET National President. "It's a sign of our organization's growing influence on Capitol Hill through the Teamsters Rail Conference as well as our Election Day victory in November when we helped elect a labor-friendly Congress."

Including the testimony delivered on March 6 and 7, the BLET and its Rail

Conference representatives have given key testimony at Congressional hearings on January 31 and twice on February 13, for a grand total of five.

First Vice President Rodziewicz testified before the Homeland Security Committee on March 6. In his testimony, he addressed worker training, whistleblower protections, hazardous materials training and positive train control.

"Rail Labor has taken every opportunity since 9/11 to advocate for strong

security legislation for the railroad industry, and we are pleased to see that you have listened to what we have said," Rodziewicz said. "The bill addresses many of the issues we have raised over the past 5 and a half years."

One of the issues mentioned in the bill was security research and development, including positive train control.

"As to communication-based train controls — and as you know — a ma-

# BLET NEWS

## Supreme Court upholds Rail Labor's position on FELA

In a unanimous judgment, the United States Supreme Court issued a favorable decision in *Norfolk Southern vs. Timothy Sorrell* on January 10, 2007. In this case, the carriers attempted to use the nation's highest court to gut the Federal Employees Liability Act.

The carriers' actions stem from a U.S. Supreme Court Case, *Norfolk Southern vs. Timothy Sorrell*. Lower courts awarded a \$1.5 million FELA settlement to Sorrell, a trackman for the Norfolk Southern who was injured in 1999 when the company vehicle he was driving was run off the road by another company vehicle.

Sorrell suffered ruptured disks in his back and other permanent injuries that prevented him from returning to his railroad job. Sorrell, whose wife has multiple sclerosis, lost his job and health insurance as a result of the accident, and still suffers debilitating

back pain during most everyday activities.

After losing cases in lower courts as well as appeals courts, Norfolk Southern argued the case all the way to the U.S. Supreme Court. Sorrell's case was argued by Jerry Schlichter of Schlichter, Bogard & Denton in St. Louis.

NS advanced the case to the Supreme Court based on the railroad's argument that the negligence standards for railroads under FELA should also be used to determine employee negligence under FELA.

However, once before the Supreme Court, NS argued that the Court should modify FELA by ruling that a higher standard for accident causation should be employed — completely ignoring their original arguments for getting to the Supreme Court in the first place. The Chief Justice John Roberts rejected this attempt in his opinion, writing:

"Norfolk's attempt to expand the question presented to encompass what the FELA causation standard should be, not simply whether the standard should be the same for railroad negligence and employee contributory negligence, is rejected. This Court is typically reluctant to permit parties to smuggle additional questions into a case after the grant of certiorari. Although the Court could consider the question of what standard applies as anterior to the question whether the standards may differ, the substantive content of the causation standard is a significant enough issue that the Court prefers not to address it when it has not been fully presented."

Weakening the causation standards for rail accidents would make the rail carriers virtually blameless for accidents, rendering the FELA powerless.

"It is extremely rare to appear in front of the U.S. Supreme Court and I

am pleased that we were successful on behalf of railroad workers," Schlichter said. "This also shows the importance of elections because the members of the Supreme Court are appointed by the President and I expect the railroad industry will try to bring this issue back at some point in the future before the Supreme Court."

BLET National President Don M. Hahs called the court's decision "a major victory for all rail workers," and thanked attorney Jerry Schlichter for his hard work on the case.

FELA was enacted in 1908, and for the past 50 years, Rail Labor has resisted lobbying efforts by the railroad industry to abolish or weaken FELA. In addition, FELA was intended by Congress to be a way to facilitate compensation of workers who are injured or killed in the course of their railroad employment. •

## BLET members tell Ad Council to pull offensive television commercial

In early February, BLET member Bob Sorg, 1st Vice Chairman of the Pennsylvania State Legislative Board, was enjoying a Pittsburgh Penguins hockey game on television when, during a time out, he was stunned by one of the most offensive commercials he had ever seen on television.

The commercial, a public service announcement sponsored by The Ad Council and two trade groups, shows a young girl standing on railroad tracks in front of a speeding locomotive. The speeding locomotive is a metaphor intended

to represent the threat of global warming and its potential impact on future generations.

However, to Bob Sorg and countless other locomotive engineers, the ad was too painful to view. He and other BLET leaders have contacted the Ad Council to request that the insensitive ad be pulled from the airwaves, but thus far, their requests have been ignored.

"The horrific scene of a speeding locomotive bearing down on a small child is inexcusable and in poor taste," said Don Hahs, National President of the Brotherhood of Locomo-

tive Engineers and Trainmen. "Nearly every single member of the BLET has been or will be involved in some sort of fatal train accident during his or her railroad career."

President Hahs said that locomotive engineers often endure Post Traumatic Stress Disorder (PTSD) following fatal train accidents, displaying symptoms similar to those of veterans who return home from the violence of war.

John Tolman, BLET Vice President and National Legislative Representative, wrote a letter to Peggy Conlon, Presi-

dent and CEO of the Ad Council. Tolman explained to Conlon that the ad was insensitive to locomotive engineers who have been involved in fatal accidents and asked that it be removed from airwaves.

"The advertisement that your organization has produced is the manifestation of the trauma that we try to eliminate from the careers of locomotive engineers and trainmen," Tolman wrote.

Conlon was dismissive of BLET's concerns and the commercial is still appearing on airwaves throughout the U.S.

The BLET's National Legislative Office is asking all BLET Brothers and Sisters, as well as anyone else who is offended by the ad, to contact the Ad Council and its partners to tell them to take it off the airwaves. Members can call the Ad Council main phone in New York at (212) 922-1500, or at their Washington, D.C., office at (202) 331-9153.

For more details about this "Action Alert," visit the National Legislative Office's new website at:

<http://www.bletdc.org/action/alerts> •

## BLET officials deliver key testimony in House of Representatives about rail security

### Rail Security

Continued from Page 1

major controversy arose last year when the industry attempted to 'game' the legal and political processes in order to eliminate a crewmember on road freight trains via implementation of positive train control systems," Rodzwicz testified. "Federal support for (research and development) efforts to enhance security via communication-based train control systems, in order to, for example, utilize positive train control as a means of instantly locating a car carrying toxic-by-inhalation material is an effort we would endorse. However, we oppose, and caution the Committee not to permit DHS to become ensnared in, federally-funded R&D efforts that facilitate the efforts of those who advocate crew size reduction."

Rodzwicz gave his strongest support for the whistleblower protections in the bill.

"These protections are absolutely necessary in order for our members to feel comfortable in the security environment this bill will create throughout the industry," Rodzwicz said. "The proposed language strikes an appropriate balance between legitimate security needs and worker protection. The provisions for potentially stiff damages and recourse to the judicial system also are needed in view of the potential of liability for civil penalties, and we urge the Committee to stand fast on requiring a single process for all modes in providing these protections."

Vice President Tolman also testified about the issue of worker training and whistleblower protections, along with re-routing of hazardous materials and the Transportation Worker Identification Credential program, before the House Transportation & Infrastructure Committee on March 7.

Worker training is one area of grave concern for rail employees and the BLET.

"Locomotive engineers, trainmen and track maintenance workers are the true first responders to rail emergencies — the eyes and ears of the industry," Tolman said. "They are the first on the scene, and often the last to leave. Yet, the rail corporations do not have quality safety and security training for employees in place. That failure places these first responders in harm's way, and by extension puts the communities served by the railroads in harm's way as well."

The need for proper training is more important now than ever before because of the high turnover rate of employees in the industry.

"Rail security measures have not been given the attention they deserve," Tolman said. "The railroad industry is in the midst of a rapid turnover— fueled by the first wave of retirements of Baby Boomer generation railroad workers — that strains the industry's training programs for all crafts. The industry simply does not devote sufficient resources either to providing initial training for new workers or for periodic recurrent training for more experienced workers. Far too often, training schedules are dictated by the need

to deploy new workers in the field, rather than ensuring that those workers, and their more senior co-workers, have the necessary tools to work safely and efficiently."

He asked that the Congress pass legislation that will compel rail corporations to train their employees on proper safety and evacuation procedures; the use of appropriate emergency escape apparatus; the special handling of hazardous materials; and the roles and responsibilities of rail employees within the railroad's security plans, including an understanding of the plan's threat level index and notification to employees each time the threat level is changed.

Representative James L. Oberstar (D-MN), the Chairman of the Transportation & Infrastructure Committee, introduced H.R. 1269. The bill currently has two co-sponsors, Representative Corrine Brown (D-FL) and Representative Peter DeFazio (D-OR).

Representative Oberstar said his bill would provide the resources to protect modes of transportation that have become terrorist targets around the world.

"Tragically, transit and rail systems have long been popular targets of terrorist attacks worldwide," Representative Oberstar said. "From 1991 to 2001, 42 percent of all terrorist incidents were carried out on rail systems or buses. Recent tragic events show that these threats continue."

A copy of the bill is available online at: <http://transportation.house.gov/News/PRArticle.aspx?NewsID=89> •



# BLET, CSX reach tentative 'single system' contract

The Brotherhood of Locomotive Engineers and Trainmen and CSX Transportation reached a tentative on-property, single system agreement in late February.

Contract information and ballots were mailed to more than 5,500 BLET members on February 28, and tabulation of the ballots will begin after the April 15 due date. It is called a single system agreement because it would unify work rules and pay across three of the four BLET general committees at CSX.

"An incredible amount of work that went into the CSX single system agreement, and I applaud the three General Chairmen and Vice President Paul Sorrow for their work," said Don Hahs, BLET National President. "They did an outstanding job of tailoring the agreement to their specific General Committees on CSX."

President Hahs said the time-consuming negotiating process took more than two years to complete. He recognized General Chairmen Tony Smith (CSX Eastern Lines), Don Moates (CSX Western Lines), and Rick Finamore (CSX Northern Lines) for finally bringing the negotiations to a conclusion. (The Conrail SAA/CSXT Northern District GCA is not a party to the agreement.)

The agreement offers many unique provisions, many of which should pay off handsomely for BLET members.

For example, BLET negotiators opted for a Performance Bonus Program instead of traditional general wage increases. While engineers will receive a 3 percent wage increase and a \$2,500 signing bonus, future pay increases are tied to company perfor-

mance. If CSX Corp. reaches its financial goals, then engineers will receive a 6 percent bonus of their 2007 earnings, an 8 percent bonus of their 2008 earnings, and a 10 percent bonus of their 2009 earnings.

"We believe our members will make more money under the Performance Bonus Program than general wage increases," said BLET Vice President Paul Sorrow.

President Hahs said that if engineers are unhappy with the Performance Bonus Program, then there is a snap back provision that allows them to convert to general wage increases that are part of the tentative BLET National Agreement.

"The Performance Bonus Program is very similar to the program the BLET negotiated on Norfolk Southern a few years ago," President Hahs said. "It has been well received by the majority of our members there and we believe the case will be the same for our CSX Brothers and Sisters."

Members will also realize increased pay thanks to a new "special pay differential." Locomotive engineers, including those in pilot service, will qualify for the special pay differential of \$15 per basic day in freight and yard service, plus 15 cents per mile for any and all trips in such service. The special pay differential will eliminate the current \$5 certification pay. However, if members opt out of the Performance Bonus Program, then the special pay differential snaps back to the \$5 certification pay.

Absenteeism was a major issue for CSX management throughout negotiations. To address that, the BLET negotiated a perfect attendance award pro-

**"An incredible amount of work went into the CSX single-system agreement, and I applaud the three General Chairmen and Vice President Paul Sorrow for their work."**

— BLET National President Don Hahs

gram. All members will be eligible for an award of 20 shares of CSX common stock for every six months of perfect attendance on weekends. "Perfect attendance" means 100 percent availability on Friday, Saturday and Sunday during a calendar six month period.

The BLET obtained an additional week of vacation for members with 30 years of service, and negotiated an accelerated personal leave day clause that allows members to bank up to 100 personal leave days.

The BLET also secured a meal allowance increase, which is tied to a cost of living adjustment. As a result, the amount of meal allowances will increase as time goes by.

There is also an improvement regarding the held away from home terminal provision. Engineers in pool freight and unassigned service will commence continuous time after the expiration of 15 hours from the time relieved from the previous day, in lieu of the current 16 hour rule. Those employees will be paid continuously until they are called for service, a much needed benefit for BLET members that work this type of service and are required to spend extensive time away from home.

The BLET also obtained a vastly improved 401(k) savings plan for its

members. The new plan guarantees engineers a 50 cent carrier match for every dollar invested, not to exceed 2 percent of employee earnings. An additional plan was gained that provides for 50 cent carrier match on each dollar invested up to an additional 4 percent of employee earnings. The additional match is contingent upon CSX management meeting certain financial goals.

Pay and benefit improvements were obtained for road switcher assignments. Road switchers will now receive 11 personal leave days in addition to 11 paid holidays, and they will be paid at the five-day yard engineer rate of pay.

The General Chairmen also secured a scope rule, which protects the BLET's contractual right to man and operate locomotives either in conventional or non-conventional (remote control) service outside of terminal limits. It also protects the BLET's right to operate all conventional yard service.

"Obtaining this particular scope rule was paramount in our endeavor to protect work for the locomotive engineer," Vice President Sorrow said. "The scope rule mirrors the scope rule the BLET recently obtained on the Grand Trunk Western and it is my hope that these two scope rules will be the foundation for a nationwide scope rule."

## S-Ts complete Education & Training workshop in Kansas City

Dozens of Secretary-Treasurers from across the United States completed a BLET Education & Training Department workshop in Kansas City, Mo., from March 12-15.

Seated, from left: Walt Schmidt, BLET Director of on line services; Bob Broka, Records Department Director; Bill Walpert, National Secretary Treasurer; Ken Kroeger, Coordinator of Education and Training / Special Representative; Terry Willingham, Secretary-Treasurer Division 500; and Bryan Carter, Secretary-Treasurer Division 116.

Second row, from left: Tim Schlesener, Alternate ST Division 344; Jerry Elmore, Norfolk Southern-North Lines GCA ST; Phillip Fullerton, ST Division 336; Jim Evans, ST Division 527; Kevin Leyerle, ST Division 81; Robert Standiferd, ST Division 64; Ben Totta, ST Division 777; Tim Morgan, ST of the Missouri State Legislative Board and ST of Division 86; and Christopher Riley, ST Division 75.



Back row, from left: Christopher Blair, ST Division 609; John Whistler, ST Division 364; Bill Spiecker, ST Division 442; Timothy Foster, ST Division 173; Mike Reeves, ST Division 86; Michael Zenner, ST Division 130; Brent Cross, ST Division 523; Richard Dame, ST of the Kansas State Legislative Board and ST of Division 587; Danny Dear, ST Division 918; Steve Muerhoff, ST Division 391; Dave Ditzel, Special Representative; Ron Hagar Jr., ST Division 462; David E. King, ST of the Florida State Legislative Board and ST of Division 35; Dr. Elaine Reese, BLET Director Office of Tax Compliance; Steve Diamond, ST Division 491; and Thomas Smith, ST Division 203.

During the four-day session, members learned proper recordkeeping techniques, computer applications, and recording of minutes. They also learned methods for filing various Department of Labor and Railroad Retirement reports, as well as Federal tax returns. A representative from the Department of Labor was on hand to answer Secretary-Treasurer questions and provided tips regarding the preparation of LM reports. Major funding for the workshop was provided by the North American Railway Foundation (NARF). •



# BLET NEWS

## Nebraska SLB reelects Meek by acclamation

Randy Meek was reelected by acclamation to the office of Chairman of the Nebraska State Legislative Board at the Board's regular triennial meeting February 5-7 in Lincoln, Neb.

Brother Meek is a member of Division 98 in Lincoln, Neb. Also reelected by acclamation were 1st Vice-Chairman Bill Hunt of Division 88 (North Platte, Neb.), 2nd Vice-Chairman Pat Pfeifer of Division 88, and Secretary-Treasurer Jeff Vogt of Division 98. Also elected were two new executive committee members: Sam Caruso of Division 183 (Omaha, Neb.); and Ron Ross of Division 621 (Wymore, Neb.).

At the meeting there was business discussion regarding cab conditions, bylaws changes and the current bills before the Nebraska Legislature. The delegates and officers attended an open reception for Nebraska State Senators as part of the Change to Win Nebraska (CTW-NE) labor coalition, which hosted the reception. The delegates and officers also joined with Change to Win Nebraska to lobby the senators on the primary bills targeted by CTW-NE. The group was recognized by the legislature while seated in the gallery.

One of the guest speakers at the triennial meeting was Chastity Young, Regional Political Director of the Teamsters. She spoke about the ongoing Teamster political department reorganization and gave the delegates some tips on how to speak with elected representatives. Another guest speaker, Dick Scott of the Yaeger, Jungbauer & Barczak designated counsel firm, spoke about injury reporting and gave a presentation on accident/incident reconstruction from the book he presented to the delegates.

The Legislative Representatives attending as delegates were Bill Hunt, UP, Division 88 (North Platte, Neb.); Charles Bacon, BNSF, Division 98 (Lincoln, Neb.); Sam Caruso, UP, Division 183 (Omaha,



Officers and delegates of the Nebraska State Legislative Board at their regular triennial meeting in February. **Seated, from left:** Bill Hunt, 1st Vice-Chairman (Division 88, North Platte, Neb.); Randy Meek, Chairman (member of Division 98 in Lincoln, Neb.); and Jeff Vogt, Secretary Treasurer (Division 98, Lincoln, Neb.). **Standing, from left:** Lance Flohr, Legislative Representative of Division 622 (Alliance, Neb.); Pat Pfeifer, 2nd Vice-Chairman (Division 88, North Platte); Tom Buresh, LR of Division 623 (McCook, Neb.); Charles Bacon, LR of Division 98; Ron Ross, LR of Division 621 (Wymore, Neb.); Ted Counter, LR of Division 303 (Morrill, Neb.); and Sam Caruso, LR of Division 183 (Omaha, Neb.).

Neb.); Ted Counter, UP, Division 303 (Morrill, Neb.); Ron Ross, BNSF, Division 621 (Wymore, Neb.); Lance Flohr, BNSF, Division 622 (Alliance, Neb.); and Tom Buresh, BNSF, Division 623 (McCook, Neb.).

On Monday evening, delegates were entertained at a dinner held by designated counsel Yaeger,

Jungbauer & Barczak. On Tuesday evening the designated counsel firm of Rathmann & O'Brien held a dinner and a seminar about whole body vibrations in locomotive cabs. Chairman Meek issued a special thanks to the two firms for their help in hosting the meeting. •

## Terry R. Jones re-elected by acclamation in Wyoming

Terry R. Jones was re-elected by acclamation to his third term as Wyoming State Legislative Board Chairman at the Board's meetings in Cheyenne, on February 20-23.

Brother Jones is a member of BLET Division 44 in Cheyenne. He joined the BLE on January 1, 1979.

Brother Cory L. Runion of BLET Division 115 (Cheyenne) was elected as the Vice Chairman. Brother Runion joined the BLE on December 1, 2000. Brother Lawrence F. Kemper of BLET Division 94 (Gillette, Wyo.) was elected Secretary-Treasurer. Brother Kemper joined the BLE on December 1, 1979.

Guest speakers at the quadrennial meeting included Vice President and National Legislative Representative John Tolman and Oregon State Legislative Board Chairman Scott Palmer. Vice President Tolman gave a presentation on issues such as: Amtrak funding, rail security and rail safety. He also urged the delegates to help in the campaign to increase contributions to the PAC fund. Brother Palmer gave a presentation regarding the hazards of shipping spent nuclear waste by rail and the potential for radioactive contamination.



Members of the Wyoming State Legislative Board (WSLB) met with Wyoming Governor Dave Freudenthal (center) during the Board's meeting in February. They are, from left: Lawrence Kemper, WSLB Secretary-Treasurer and member of Division 94 (Gillette, Wyo.); Scott Luckenbuhl, Legislative Representative of Division 31 (Bill, Wyo.); Larry Wessel, LR of Division 103 (Cheyenne, Wyo.); Jim H. Scott, LR of Division 869 (Greybull, Wyo.); Richard Sanchez, LR of Division 142 (Rawlins, Wyo.); Wyoming Governor Dave Freudenthal; Merry Potter, member of Division 624 (Sheridan, Wyo.); Bill Cater, LR of Division 207 (Casper, Wyo.); Cory Runion, WSLB Vice Chairman and member of Division 115 (Cheyenne, Wyo.); Terry R. Jones, WSLB Chairman and member of Division 44 (Cheyenne, Wyo.); and Barry Toone, President and LR of Division 245 (Green River, Wyo.)

The delegates also heard from Ken A. Esquibel of BLET Division 115 in Cheyenne who serves as a member of the Wyoming House of Representatives.

In addition, members of the Equal-

ity State Policy Center – a coalition of progressive organizations – addressed the delegates.

During the meeting, the delegates discussed their legislative priorities. Among the issues they discussed were

rail security, van drivers and van safety.

"The meeting was very successful," Chairman Jones said. "We were able to cover many issues that are important to BLET members both on the national level and on the state level." •



# Rail Labor scores another win for FMLA

Rail Labor scored another major court victory in its ongoing battle to protect workers' rights under the Family and Medical Leave Act (FMLA).

On March 2, the three-judge panel of the U.S. Court of Appeals in the Seventh Circuit unanimously upheld the District Court's January 3 ruling in favor of the unions' challenge to the major rail carriers' decision to force employees to use their vacation and personal leave days for FMLA purposes, rather than at the times the employees choose as provided in the collective bargaining agreements. The Court held that in order to do that, the carriers first have to bargain changes in the agreements under the Railway Labor Act.

"This is a hard fought victory for hard working railroaders," said Don Hahs, National President of the Brotherhood of Locomotive Engineers and Trainmen. "Many unions worked together to achieve this outcome, which is yet another sign of our unity and strength."

However, he cautioned that the carriers would possibly appeal the decision.

"We're not out of the woods yet," President Hahs said. "It's possible the

carriers could appeal the decision again through the court system, or may attempt to take cases to arbitration. It would be unfortunate if railroads choose to do so, as we are confident any other court or arbitrator would rule on Rail Labor's behalf."

According to its decision, the Court "focus[ed its] discussion on the important principle at stake, rather than the intricate differences between various collective bargaining agreements."

The Court rejected the carriers' argument that reconciling the FMLA and the RLA meant that "the FMLA, being the newer and, in their view, the more specific Act, trumps the RLA and controls the situation, thus giving the carriers authority to unilaterally institute its anti-stacking policies." In the Court's opinion, the more specific needs of the railroad industry, its "special characteristics [and] unique problems," and how Congress determined they should be addressed — through mandatory Section 6 bargaining — prevail over the FMLA provision that merely permits employers to require substitution. The Court put it this way:

"Section 152 Seventh of the RLA tells railroads what they must not do

— change working conditions except in the manner dictated by the agreements or in § 156, which requires notice, a conference, and, in some cases, mediation. Section 2612 of the FMLA simply tells employers what they may do — require substitution — not what they must do. A reasonable conclusion is that, while substitution is allowed, the carriers cannot require substitution without complying with procedures set out in the RLA. Using those procedures, the carriers can bargain for substitution provisions."

The Court also recognized that the rights contained in the National Vacation Agreements and supplements were "the subject of hard bargaining [and t]he right to time one's vacation and, to a perhaps slightly lesser degree, personal leave, is a hard-won right of railroad workers."

"It would seem quite odd indeed," the judges said, "that this elaborate process, and the decades of bargaining, can be wiped out by unilateral action on the part of the carriers, based on a statute which says they may require substitution, but which says nothing about the process for instituting a substitution requirement."

The bottom line: "The carriers must comply with the RLA in implementing their actions under the FMLA. In short, the FMLA does not allow the carriers to violate contractual obligations protected by the RLA regarding paid vacation and personal leave time."

"Obviously, this is a major victory for rail labor," said Mike Wolly and Margo Pave of Zwerdling, Paul, Kahn, & Wolly, P.C., successfully represented the interests of five of the eleven rail labor unions involved in the case, in addition to BLET — the IBEW, ATDA, BRS, NCFO, and SMWIA.

"The dispute is not yet over, but this is a major step toward ultimately upholding the members' contract rights. We appreciate all your help in providing us with the necessary factual basis for supporting the arguments we were able to make on your behalf and we congratulate you on achieving this victory that we will work equally hard to preserve."

A copy of the 7th Circuit Court's decision is available on the BLET website at: <http://www.ble-t.org/pr/pdf/FMLADecision.pdf> •

## BLET Auxiliary Update

# Yes we can! With hard work, BLET Auxiliary members get results

By Diane Shifflett  
Member At Large  
BLET Auxiliary

I was asked to write an article for the newsletter about my experiences while pushing for a resolution relating to the expansion of remote control operations (RCOs) into my hometown, Shifflett, Va. I am writing to share my experience so that other Auxiliary members might have a better understanding of what was involved, and perhaps use the information to improve quality of life and safety in their spouse's workplace.

I first became more involved when my husband, Danny, was involved in an accident on the railroad. He had been forced to work in unfamiliar, dark territory, and was refused a pilot. Dark territory does not have any kind of centralized signal system, but operates on track warrants. His track warrant was incorrect, and he ran into the back of another train stopped on the main line. He was lucky in that he was only seriously injured and not killed, but he was out of work for over a year. That was my wakeup call — I learned how relentless railroads are and how they treat their employees. Danny had told me what to do if he was ever in an accident, so I was prepared and able to contra-

dict their false claims at his investigations.

I began my research into the RCO issue about a year and half ago when the Norfolk Southern announced that RCOs were coming to our part of the country. I live in a small town in Virginia where schools and community activities are very close to the railroad switching yard. It was slow going at first until I was given Becky Schneider's name. At the time, she was the National Legislative Representative for the Auxiliary. She was very helpful and pointed me in the right direction, giving me the information I needed so that I could educate the elected officials in my county.

I then contacted Carol Lee Fischer-Strickler, my representative on the Page County, Va., Board of Supervisors, and talked to her about the RCO issue. She had already been contacted by other constituents about the coming remote controls, and believed that this issue was something that needed to be addressed because of the fact that there were no regulations governing operations, and because of its potential safety hazards.

With Mrs. Strickler's help in arranging meetings with various board members, and making sure the issue was put on the agenda, on January 16, 2007, we were finally able to get a resolution from Page

County requesting the Federal Railroad Administration (FRA) to issue enforceable regulations to replace the unenforceable "guidelines" that are currently in place. The following week, the Township of Shenandoah followed suit, passing a similar resolution, once again thanks to the help of Mrs. Strickler. In talking to the FRA, I was told that having these resolutions helps to make their case as well to implement enforceable rules governing the RCOs.

We are not done yet. We have been placed on other County agendas and we hope to attain our goal of having a resolution calling for regulations from the State of Virginia. If anyone would like our help, feel free to contact me.

Since joining the Auxiliary in 2005, I have discovered that there is a lot that can be done, even as a member-at-large. When you join, you become part of a network of spouses who care about safety in the workplace. Not that those who are not members don't care, but as a member, there seems to be more information and guidance when it is needed.

Life has gotten pretty crazy for everyone these days, and I am just as busy as the rest. Even though it took some time away from my family to do these things, I am lucky to have my husband, Danny, who supports me completely.

Again, the purpose for writing my story is not for recognition, but to let others know how much we can do as Auxiliary members. I only regret that I waited until something bad happened to get involved. With just a little time out of our busy schedules, we can do things, big or little, that can make a difference in our railroader's life. The true satisfaction comes in knowing that they appreciate everything we do for them.

*(Editor's Note: Diane Shifflett, 29, is the wife of Danny Shifflett, a 10-year BLET member and the newly elected Legislative Representative of Division 217 (Shenandoah, Va.). A mother of three children, ranging in ages from 7 to 10 years old, she also rescues English bulldogs and sheepdogs, placing them in loving homes, and provides free dog grooming for elderly residents in her community.) •*

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**As of March 13, 2007**



# PASSENGER RAIL NEWS

## Senate holds Amtrak reauthorization hearing

WASHINGTON, D.C. — The Senate Committee on Commerce, Science and Transportation held a hearing on S.294, the Passenger Rail Investment and Improvement Act of 2007, on February 27.

S. 294 was introduced in January by Senators Frank Lautenberg (D-NJ) and Trent Lott (R-MS). It provides for the reauthorization of Amtrak, and is substantially similar to S. 1516, which was introduced in the 109th Congress. The bill also includes the rail security package that the Senate has already approved three times, most recently in last year's SAFE Port Act.

Highlights of S. 294 include:

- Over six years, authorizes \$3.3 billion for operations and \$4.9 billion for capital investment.

- Defines national rail passenger system as: Northeast Corridor, designated high speed rail corridors and other long and short distance routes.

- Includes worker training and whistleblower protections in the security package.

Title IV of the Act is substantially different than it was in S. 1516 - besides including the previous Amtrak security provisions, it now also includes the Surface Transportation and Rail Security Act of 2007 (STARS).

Witnesses included: Amtrak President & CEO Alexander Kummant, PA Governor Ed Rendell, FRA Administrator Boardman; Wisconsin DOT Secretary Frank Busalacchi; and Kelly Taylor, Oregon DOT's Rail Division Administrator.

During the hearing, Amtrak President Kummant made no mention of Amtrak's workers, according to BLET Vice President and National Legislative Representative John Tolman.

“Unfortunately, President Kummant chose not to acknowledge the needs of Amtrak’s workers and the sacrifices made by them for the past 35 years,” Tolman said. “I had hoped that he would recognize the men and women who have kept the railroad afloat, but after denying BLET members a contract more than seven years, I’m not surprised.” •

## Metra locomotive engineer hit by rock

CHICAGO — A rock flew through a running Metra train window on March 4, shattering glass and injuring its engineer.

Metra said it appears someone threw a rock at the

northbound train just before the 87th Street station, shattering a window directly near the train’s engineer about 11:40 a.m. When police arrived, they were unable to find anyone who might have been the suspected rock thrower.

The incident occurred on Metra’s Electric Line — which was running northbound on the Southeast Side from 93rd Street to the Millennium Park Station — and delayed the train for about an hour.

The train was held up as a new engineer was located to operate it, while the original engineer was taken to an area hospital in an unknown condition. His injuries were non-life-threatening.

The train was only a couple minutes away from its second stop when the incident happened.

*(From Chicago’s Daily Southtown).* •

## No stopgap funding for Septa in 2007

HARRISBURG, Pa. — As SEPTA heads toward another financial crisis, state lawmakers said that they would not provide the stopgap financial aid used in recent years.

The administration won’t divert federal highway funding to SEPTA or other transit agencies, Transportation Secretary Allen D. Biehler told the House Appropriations Committee.

“It’s sink-or-swim time,” Biehler said. He said the use of federal highway funding “was putting a patch” on the problem. “Now it’s time to do something about it.”

Gov. Rendell has proposed a tax on oil companies’ gross profits to help fund mass transit. SEPTA, which faces a \$130 million budget deficit for the

fiscal year that will begin July 1, will specify service cuts and fare hikes it says will be necessary if it does not get more state aid. On average, SEPTA says, fares would rise 31 percent and service would be cut 20 percent.

SEPTA general manager Faye Moore said that she remained “guardedly optimistic” that Rendell and the legislature would provide \$100 million in time to avoid such serious measures. SEPTA hopes to cover the remaining \$30 million of the deficit through revenue enhancements and cost savings. Moore told legislators that even with \$100 million in additional state funding, SEPTA planned to raise fares an average of 11 percent, but that the base cash fare would remain \$2 and service would be largely unaffected.

*(From the Philadelphia Inquirer.)* •

## MBTA looks to balance budget

BOSTON — Despite higher fares, more riders, and the addition of the new Greenbush commuter rail line, the MBTA still plans to dip into its rainy day fund to balance its next operating budget, the third consecutive year the authority will do so.

In addition, the authority has not set aside any money for new union contracts, MBTA General Manager Daniel A. Grabauskas said.

The MBTA plans to take \$2.5 million from its reserves for the fiscal year that starts July 1. The T used \$10.5 million in emergency funds in fiscal 2006 and \$4.7 million in 2007. Among other items, high fuel prices hurt the railroad’s bottom line in 2006.

*(From the Boston Globe.)* •

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# BLET NEWS

A message from Teamsters General President Jim Hoffa

## BLET making great strides

### Rail Security and Safety A Priority Now in Congress

Over the past several weeks, representatives of the Teamsters Rail Conference have provided testimony at U.S. House committee hearings on rail security and emergency preparedness training. The newly elected Democrat majority in the House is making a concerted effort to hear the union side of the security story.

We've outlined the shortcomings of the current emergency preparedness training offered by the rail carriers at these hearings. Somehow the rail carriers thought that a brochure and a ten-minute video would suffice for good training for rail workers. We've known that their plans are far from adequate. In our "High Alert" report, we've shown the over 80 percent of the members surveyed said that they had not received any or additional emergency preparedness training since 9/11. Once our report was published, we made sure that every member of Congress received a copy and we have had to reprint the report several times due to the demand. Its content is the first, and only, employee-based survey in the rail industry.

Congressman James Oberstar (D-MN) introduced House bill 1269, the Rail and Transit Security Bill of 2007, which we fully support. This bill includes provisions for a security training program that will include live situational training exercises. When passed, this bill will mark a huge step in providing the quality emergency preparedness training that we have been advocating for.

### Tentative Agreement for RLBC

In February, union negotiators with our Rail Labor Bargaining Coalition (RLBC) reached a tentative agreement with the National Carriers' Conference Committee (NCCC) representing the major freight rail corporations. Negotiating consistently for over two years,



your negotiators did a fine job of securing a strong agreement. An historic agreement, this was the first time in more than 30 years that a coalition of rail unions was able to successfully reach agreement with the carriers.

Although the details are specific to each craft, overall the agreement will mean wage increases and controls on soaring health care cost sharing over the five-year term. In addition, the carriers agreed to withdraw all work rules proposals including those about train crew staffing/consolidation and contracting out of track maintenance production work.

Our goal was to achieve an agreement that recognized the dedicated hard work that our members perform on a daily basis. We believe that this agreement is true to that goal.

Fraternally,

**James P. Hoffa**  
General President

## Western General Chairmen to meet May 1-3

The annual meeting for the BLET's Western General Chairman's Association (WGCA) will take place May 1-3 at Bally's in Las Vegas, reported its chairman, Dennis Pierce.

This meeting will be immediately preceded by the Teamsters' Unity Conference, which is at Bally's on April 29-30. The annual meeting of the BLET's National Association of State Legislative Board Chairman will also take place at Bally's from April 26-28.

Pierce said that this year's meeting will be the WGCA's first year meeting along side the Teamster's Unity Conference.

"As with the State Legislative Board Chairmen, we see benefits in coming together for one joint meeting with the officers of the BLET National Division and the Teamsters International," Pierce said.

In addition to general committee officers, there will be a number of guests

## MARCH 2007 CALENDAR & EVENTS

**APRIL 26-28... National Association of State Legislative Board Chairmen annual meeting**  
At Bally's in Las Vegas, this meeting is being held in conjunction with the Teamsters Unity Conference and the BLET Western General Chairmen's Association annual meeting (see article on Page 8).

**APRIL 29-30... International Brotherhood of Teamsters Unity Conference**  
At Bally's in Las Vegas.

**MAY 1-3... Western General Chairman's Association annual meeting**  
At Bally's in Las Vegas. See article below.

**MAY 11... Railroad Retirement Board Informational Conference, Little Rock, Ark.**  
At the Hilton Little Rock Metro Center, Banquet Room Hilton AD, 3rd floor, 925 S. University Ave. Registration begins at 8 a.m. and conference starts at 8:30 a.m. Elected BLET officers only, please.

**MAY 11... Railroad Retirement Board Informational Conference, Independence, Ohio**  
At the Holiday Inn-Independence, 6001 Rockside Road (I-77 and Rockside). Registration begins at 8 a.m. and conference starts promptly at 8:30 a.m. Elected BLET officers only, please.

**MAY 20-24... 67th International Western Convention, Tacoma, Wash.**  
Hosted by David Beech and the members of Division 238. Register at [www.ble-t.org](http://www.ble-t.org) today!

**JUNE 10-15... 80th Annual Southeastern Meeting Association, Orlando, Fla.**  
Hosted by Brothers Mike Tanner and Earl Karper Sr., the 80th annual SMA will be held at Walt Disney World in Orlando, Fla. Register online at [www.2007sma.com](http://www.2007sma.com) today!

**AUGUST 20-23... 69th Annual Eastern Union Meeting Association, Traverse City, Mich.**  
Hosted by Don Zatteau and the members of Division 286, the 69th annual EUMA will be held at the Grand Traverse Resort and Spa in Acme, Mich. More details to come!

## Advisory Board February Activity

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

**National President Don M. Hahs**—National Division office: General supervision of BLET activities; General office duties; Rail Labor Bargaining Coalition; BLET National Negotiating Team; Telephone, conference calls, correspondence; CRLO winter meetings, Hollywood, Fla.; ARLA reception, Hollywood, Fla.; Joint meeting of Divisions 98 and 621, Lincoln, Neb.; RLBC conference call, Cleveland; Mtg. w/ John Sands, Cleveland; RLBC wage meetings and negotiations, Washington, D.C.

**First Vice-President & Alternate President Edward W. Rodziewicz**—Assisted President in general operation of National Division Office; Vice President assignments; Organizing department; Shortline department; Passenger department; Various correspondence & phone calls; President-IBT Rail Conference; South Buffalo RR; Testimony as Rail Conference President on rail safety before House subcommittee; CRLO meetings; ARLA mtg.; Advisory Board mtg.

**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 mtg.; Cooperating Rail Labor Organizations (CRLO) mtg., Hollywood, Fla.; Mtg. w/ regional meeting chairmen, Hollywood, Fla.; Advisory Board mtg., Hollywood, Fla.; S-T Workshop, Chicago; LM-2 Workshop, University of Wisconsin, Madison, Wisc.

**Vice-President Paul T. Sorrow**—Assigned to CSX, NS and GTW general committees of adjustment; CSX single agreement negotiations; Finalization of GTW contract, i.e., ratification process and signing of agreement; Research for negotiations with Alabama State Docks; Unfinished business related to PLB 6468; Prepare for PLB 6610 (cancelled on short notice by National Mediation Board); Assisted GTW, CSX and NS General Committees with day to day issues as called upon by General Chairmen; General office duties.

**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; Iowa, Chicago & Eastern; CN/WC GCA mtg., WC local chairman class, Green Bay; CN President's Awards presentation, CN/IC/WC, Miami, attended w/ GC J. Koonce & GC J. Reynolds; Advisory Board mtg., Miami; Mtg., re: contract negotiations, Metra; NRAB arbitration, Rosemont, IL; ST workshop, Chicago; Metra contract negotiations, Chicago; NRAB prep, Chicago; FRA Part 240.409 dockets: EQAL 01-06 (CSX), 02-01 (Metra), 03-31 (UP).

**Vice-President Dale McPherson**—CP Rail; Port. Term. RR; Longview Portland & Northern; Longview Switching Co.; Indiana RR; W&LE RR; Utah Railroad; UP Eastern Dist.; UP former CNW; DM&IR RR; Portland & Western RR; Great Western RR; Appalachian & Ohio RR; Public Law Boards 5604, 5681, 5721, 6040, 6281, 6449, 6558, 6589; SBA 585; UP work/rest projects; RSAC positive train control cmtc.; National wage/rules; General office duties, telephone, correspondence; Utah RR health & welfare issues, Salt Lake City; Mtg. w/ former C&NW GCofA; DMIR-CN contract negotiations, Duluth; Advisory Board mtg., Miami; Mtg. w/ UP, re: Eastern District and former C&NW, Bonita Springs, Fla.

**Vice-President Merle W. Geiger Jr.**—Assigned to: BLET Trainmen's Department; Kansas City Southern; Gateway Western; Midsouth Rail; Southrail; Texas-Mexican Rwy.; Springfield Terminal, Delaware & Hudson; Indiana & Ohio RR; Louisville & Indiana RR; St. Lawrence & Atlantic RR; Indiana Southern RR; Montreal, Maine and Atlantic RR; Mtg. w/ GC Parker and Div. 573, Greenville, Texas; Advisory Board mtg., Hollywood, Fla.; Advisory Board conference call; Review and finalization of Public Law Board cases.

**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; Wabash Hospital mtg., Decatur; Advisory Board mtg., Hollywood, Fla.; Joint mtg. of Divisions 98 and 621, Lincoln, Neb.; Mtg. w/ GC Gibbons & MNA Lcs, Kansas City; Mtgs. w/ NCCC, Washington, D.C.;

**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; General office duties, telephone paperwork.

**Vice-President & National Legislative Representative John P. Tolman**—Assigned to BLET Washington, DC office; BLET Security Officer; General Office Duties, telephone, correspondence; Coordinated PAC Contributions; Coordinated launch of NLO website, [www.bletdc.org](http://www.bletdc.org); Met with Representatives of the Iowa Transportation Museum; Attended CRLO Winter Meetings; Attended Wyoming State Legislative Board Meeting; Coordinated Rail Conference testimony before the House Transportation and Infrastructure Committee and the House Homeland Security Committee; Attended Senate Hearings on Amtrak Re-Authorization and Amtrak Appropriations; Met with Representatives of Citizens for Rail Safety; Attended RSAC Full Committee Meeting.

**Vice-President Marcus J. Ruef**—Assigned to Amtrak Long Island Railroad; Southeastern Pennsylvania Transportation Authority; New Jersey Transit; Port Authority Trans Hudson; Norfolk Southern (Northern Lines/W&LE); Norfolk Southern (Eastern Lines); Norfolk Southern (Southern Lines); Union Railroad (URR); Allegheny Ludlum Steel Co.; and Birmingham Southern; Mtgs. w/ PATH, re: Engineer certification issues & self-propelled UTVs; W&LE forced promotion issues; Div. 348 mtg., Elkhart, Ind.; Div. 537 mtg., Ft. Wayne, Ind.; Div. 447 mtg., Bellevue, Ohio; Impact of UTU strike; NYS&W negotiation update; ARLA reception, Hollywood, Fla.; Advisory Board mtg., Hollywood, Fla.; Work on SBA 928, SBA 6657; URR procedural board & rules case research; NS(E) availability research; NS(S) discipline issues; NS(N) GCA website; LIRR discipline, E&E, Twomey awd.; NS(E) distributive power; Work w/ GC Martin on CN interchange case; Advisory Board conference call; Path Part 240 issues, UTVs; PLB 5191, NS(S).



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