Informational picketing focuses on professionalism of engineers, exclusion of BLE from remote control

For two days in March, members of the Brotherhood of Locomotive Engineers conducted informational picketing against CSX Transportation along the route of a special train carrying the railroad’s Board of Directors from New Orleans to Nashville.

The purpose of the informational picketing was to remind corporate officers that locomotive engineers are the rail industry’s most highly trained and productive workers — they are the true professionals whom the railroad should be relying upon to operate cutting-edge remote control technology that it introduced earlier this year.

Overall, approximately 300 BLE members participated in the March 5-6 campaign. At key points along the 600-mile route, including New Orleans, Birmingham, Mobile, Montgomery and Nashville, BLE members lined the tracks with picket signs and large banners. On March 5, the banners carried

**Informational Pickets**

ID to create Passenger Service Dept.

International President Don M. Hahs announced in early April that the BLE is in the process of establishing a Passenger/Commuter Service Department to improve the services it provides to all passenger railroad general committees of adjustment.

At the request of the passenger general chairman, President Hahs named First Vice-President E.W. Rodzwicz to head the department. He will be assigned to represent the ID on their respective properties.

The announcement came after months of discussions between the ID and the passenger general chairmen, who represent engineers on Amtrak, Long Island Rail Road, METRA, Metro North, New Jersey Transit, PATH, and SEPTA.

More information will be provided in upcoming editions of the Locomotive Engineer Newsletter.

BLE ratifies deal with CN’s Wisconsin Central Division

On March 13, the Brotherhood of Locomotive Engineers announced ratification of a ground-breaking labor agreement with the Wisconsin Central Division (WCD) of Canadian National.

“Negotiations were launched well in advance of the expiration of the current agreement because of a strong labor and management interest in exploring alternative methods of compensating operating employees,” BLE International Vice-President Rick Radek said.

“In contrast with standard Class 1 railroad mileage- and rule-based wage systems, this progressive agreement is based on a concept of hourly wage and job guarantees. We believe this less complex pact should lead to more cooperative and less adversarial relations between labor and management.”

Teamsters, BLE meet again

Members of the BLE’s Executive Committee will meet with members of the Teamsters General Executive Board in early April to discuss the proposed merger or affiliation of the two unions.

As this issue of the Newsletter went to press, BLE International President Don M. Hahs had assigned First Vice-President & Alternate President Ed Rodzwicz and General Secretary-Treasurer William C. Walpert to attend meetings at Teamster headquarters in Washington D.C., on April 3, 4 and 5.

The purpose of the meetings will be to expand on the groundwork created at a March 6 meeting between BLE President Hahs and Teamster President James P. Hoffa. At that meeting, the two presidents agreed on a basic structure to govern the discussions.

BLE files lawsuit over remote control

Secretary of Transportation Mineta, FRA Administrator Rutter named as defendants

The Brotherhood of Locomotive Engineers filed a lawsuit on March 22 in the U.S. District Court for the District of Columbia over the issue of remote control locomotives.

The lawsuit claims that Secretary of Transportation Norman Mineta and Federal Railroad Administrator (FRA) Allan Rutter have not lived up to their responsibilities in administering the Federal Railroad Safety Act of 1970, and the Locomotive Inspection Act, which regulates interstate commerce and safety in the railroad industry.

In January, six of the nation’s largest railroads (Burlington Northern Santa Fe, CSX Transportation, Norfolk Southern, Union Pacific, Conrail, and Kansas City Southern) began operating locomotives in terminal operations.

Teamsters, BLE meet again
On March 12, the Pennsylvania House of Representa-
tives passed legislation supported by the Brother-
hood of locomotive Engineers to improve rail safety
on the vast network of tracks that crisscross and flow
through the Commonwealth.

The bill was sponsored by State Rep. Mike Veon (D-Bevera Falls), Rep. Richard Gelet (R-79),
Chairman of the Pennsylvania Transportation Com-
mittee, also worked closely with the BLS and pushed for
the bill.

The bill’s language deals with the unsafe prac-
tice of operating locomotives in “reverse” or back-
wards fashion. The bill also addresses the issues BLS
raised in a lengthy five-page letter that includes train
crew members faces when required to operate diesels back-
wards, creating heightened exposure to noxious die-
sel emissions.

According to BLS Pennsylvania State Legislative Board Chair Ken Kertesz, the idea for this legis-
lation was first developed by former BLS Pennsylvania
State Chair Norman Hendrickson, who re-
tired in 2000. “At the time, BLS was given other compen-
sation, the filing said, that
received $753,057 in other com-
pensation, the filing said, that
received $753,057 in other com-

The executive also re-
vived $2.6 million in stock in-
munia Pacific Ltd. into five
larger companies. One of those deals created the
Corporation received $6.5 million in
available to shareholders on
the vast network of tracks that crisscross and flow
through the Commonwealth.

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The president and chief
operating officer for Union Pa-
canal. 1,500 miles of tracks in
will also receive another long-
term incentive plan. He
operating officer, made $3.4 mil-
ion by exercising stock op-
tions. He will also receive a
long-term bonus this year of as
much as $1.7 million.

The four-year incentive
plan was shortened by a year
because of the breakup, ac-
cording to the management
proxy circular that was made
available to shareholders on
March 6.

The breakup also allowed
executives to cash in on options in
Canadian Pacific Ltd. early
became president of Amtrak for
the new railroad. Ed Dodge, CPR’s chief op-
erating officer, made $3.4 mil-
ion in bonus after $807,972 salary and $605,979
compensation of $43,598.

In 2001, he took home a
$807,972 salary and his
operating costs from
meet its operating costs from
the federal government. Amtrak tried to end its rel-
iance on railroad retirement reform
was taken to court because they typically oper-
ate for short distances at relatively low speeds.

Veon’s legislative district borders the Conrail
yard, Norfolk Southern’s single largest rail classifi-
cation yard, featuring an engineer training center and
railway and bistro.

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railway and bistro.
The BLE will establish a series of committees based on geographical regions, which will reflect the regional structure of the Teamsters. The BLE committees will be made up of a General Chairman from each region, a state legislative board chairman from each region, and representatives of passenger engineers. Both presidents also agreed that any agreement regarding merger or affiliation should have an escape clause for each organization.

The BLE Advisory Board voted unanimously to begin exploratory talks with the Teamsters regarding a merger or affiliation on February 28. The proposed action would give the BLE membership in the largest union in the AFL-CIO and the largest transportation union in North America.

“Our two unions serve a common purpose of transporting goods from manufacturers to consumers,” Hoffa said in the upcoming Spring 2002 issue of the Locomotive Engineers Journal. “By joining together, we will create a seamless transportation union under the umbrella of the AFL-CIO. That means that employers will no longer be able to pursue their divide-and-conquer strategy to weaken transportation labor.”

The Teamsters Union has considerable experience in this area. In recent years, we have formed partnerships with the International Longshoremen’s Association and the International Longshore and Warehouse Union, both AFL-CIO affiliated, to help bring the power of union representation to port workers across North America.

“The three unions agreed to re-examine each other’s traditional jurisdictions, eliminate any competition at ports, and coordinate their efforts to organize non-union workers. That’s how solidarity works,” Hoffa said.

Details of the April 3-5 meetings will be available on the BLE website and the next issue of the Newsletter.

Date change announced for 2002 EUMA

Dates for the 64th annual Eastern Union Meeting Association were changed from August 18-23 to August 18-22, EUMA Arrangements Ken Kertesz announced.

The new schedule (subject to change) is as follows:
- Monday, August 19 — Registration, EUMA kickoff with bus trip to Steamtown National Historic Site in Scranton, Pa., including a steam-powered train ride to the Poconos, departing Scranton, Pa., including a steam-powered train ride to the Poconos, departing Scranton, Pa., including a steam-powered train ride to the Poconos, departing Scranton, Pa., including a steam-powered train ride to the Poconos, departing Scranton, Pa., including a steam-powered train ride to the Poconos.
- Tuesday, August 20 — Closed meeting, workshops: “Night at the Races” with dinner.
- Wednesday, August 21 — Golf; Family Day; Evening banquet
- Thursday, August 22 — Breakfast; Checkout.

Brother Kertesz and members of BLE Division 263 will host the 2002 EUMA at the Woodlands Inn & Resort in Wilkes-Barre, Pa. Nestled in the Northeastern Poconos, members will enjoy a discounted room rate of $89 per night (plus tax) for a single or double.

At a recent meeting between the BLE and Teamsters officials, from left: BLE International President Don M. Hohs; Teamsters General President James P. Hoffa; BLE First Vice-President & Alternate President Ed Rodzwicz; and Vice-President & U.S. National Legislative Representative Raymond Holmes.

Hosted by Chairman William Amaya in the Tri-Cities area of Washington State, the 2002 IWC is a convention (you will not want to miss). Guests will stay at the Westcoast Tri-Cities Hotel at: 1101 N. Columbia Center Blvd., Kennewick, WA 99336, and reservations can be made by calling (509) 783-0611. Mention the BLE convention to receive discounted room rates of $85 per night (U.S. and Canadian currency, $$). For details, contact Chairman Amaya at (509) 628-8844 or by e-mail: <hotthrottle.will@verizon.net>. IWC 2002, the “Unlimited Convention,” will coincide with the “Unlimited Hydroplane” race series. Guests can extend their stays a few days to enjoy the Columbia Cup hydraulic race, one of the fastest sports on the planet.

For details, contact Chairman Amaya at (509) 628-8844 or by e-mail: <hotthrottle.will@verizon.net>. IWC 2002, the “Unlimited Convention,” will coincide with the “Unlimited Hydroplane” race series. Guests can extend their stays a few days to enjoy the Columbia Cup hydraulic race, one of the fastest sports on the planet.

• SEPTEMBER 23-26, 2002 … 67th Annual Southwestern Convention Meeting, Ft. Worth, Texas.

Chairman Mark Banton and members of BLE Division 500 hosted the 2002 SWCM, to be held at the Radisson Hotel, 615 Main Street Fort Worth, Texas, 76102. Reservations can be made by calling (817) 826-8844 or by e-mail: <bothwill@verizon.net>. IWC 2002, the “Unlimited Convention,” will coincide with the “Unlimited Hydroplane” race series. Guests can extend their stays a few days to enjoy the Columbia Cup hydraulic race, one of the fastest sports on the planet.

Among other assignments, Chairman Amaya said in the upcoming Spring 2002 issue of the BLE Journal: “The Teamsters Union has considered experience in this area. In recent years, we have formed partnerships with the International Longshoremen’s Association and the International Longshore and Warehouse Union, both AFL-CIO affiliated, to help bring the power of union representation to port workers across North America.

“The three unions agreed to re-examine each other’s traditional jurisdictions, eliminate any competition at ports, and coordinate their efforts to organize non-union workers. That’s how solidarity works,” Hoffa said.

Details of the April 3-5 meetings will be available on the BLE website and the next issue of the Newsletter.

The BLE Education & Training Department is conducting three Local Chairman workshops in 2002, and the first is scheduled for March 12-17 on the campus of the George Meany Center in Silver Spring, Md. These workshops are non-residential and are open to any BEA member who has not attended a similar training program. The workshops will include BLE organizational structure and functions, representing members in arbitration, disciplinary and decertification hearings, union leadership skills, claim and grievance handling, and writing and editing skills. BLE members also will learn how to effectively use the BLE arbitration database. A highlight of the workshops is when attendees participate in a simulated disciplinary hearing.

These classes are not just for new Local Chairmen, and the BLE encourages all Local Chairmen to attend one of these workshops.

The BLE Education & Training Department presents these workshops in conjunction with the staff of the George Meany Center. Workshops instructors will include BLE General Secretaries/Treasurer William C. Walsh, BLE Vice-President Richard K. Radek, Special Representative Ken Kroeger, and BLE Arbitration Department Manager Greg Roos. In addition, Donald Spatz, an adjunct professor from the George Meany Center, will instruct at the workshops.

The BLE pays the costs of books, equipment, tuition and a Thursday evening graduation banquet. BLE members who attend are responsible for the cost of room and board.

These workshops are in addition to the ones offered at the BLE Annual regional workshops held throughout 2002. However, the three-week-long workshops are more intensive and the courses cover a wide-range of topics in more detail.

Registration is on a first come, first served basis with classes reserved for the first registrant. At about 15 slots still remain for the May workshop at the Meany Center. To register, please contact Ken Kroeger of the BLE Education & Training Dept. at (216) 272-0986 or <kroeger@ble.org>.

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AFL-CIO President John J. Sweeney warned that current United Transportation Union raiding practices will seriously jeopardize the organization’s chances of future reafiliation with the House of Labor.

In a recent interview with BNA’s Daily Labor Report (DLR), UTU President Byron Boyd suggested that the UTU would reafiliate with the AFL-CIO “once the UTU prevails” in its single-craft effort before the National Mediation Board. However, in a March 22 letter to Boyd, President Sweeney set the record straight.

“The UTU’s continued effort before the National Mediation Board to overturn established craft of locomotive engineers has on the railroad’s bottom line. On March 6, the banners emphasizing the significant economic impact the craft of locomotive engineer has on the railroad’s bottom line.

These positive messages drew considerable hand waves and responses from passengers on the Board of Directors Special.

At Birmingham and Nashville, leaflets were distributed to managers explaining many of the advantages engineers bring to the railroad’s operating letting many of the advantages engineers bring to the railroad’s operating plan to turnover established.

Loosefitting and class distinctions in the rail industry remains a violation of the constitution and bylaws of the AFL-CIO,” Sweeney wrote. “While we remain open to the reafiliation of your national union, such a reafiliation continues to be jeopardized by this constitution violation.

“Should the UTU prevail in changing long established craft and class rules, it would most certainly not clear the way for the UTU’s return to the Federation, as you are quoted suggesting in the DLR interview. To the contrary, it would remove any such possibility of future reafiliation, as long as this matter is not resolved to the satisfaction of our affiliate, the BLE.

Sweeney condemned the UTU raid and promised to aggressively defend the BLE, while at the same time expressing his willingness to seek a mutually acceptable resolution to the current situation. “But neither the AFL-CIO, nor our affiliated national unions, will stand by while your organization attempts to destroy another national labor organization,” Sweeney said. He reminded the UTU President that the AFL-CIO’s Executive Council recently adopted a resolution “expressing strong support for the Brotherhood of Locomotive Engineers in this dispute and authorizing the Federation to take all possible steps to support our affiliate in this matter.

Sweeney also expressed regret that Boyd had canceled a meeting scheduled for March 12 between Sweeney, Boyd, and AFL-CIO Secretary-Treasurer Richard Trumka. “I remain willing to meet with you and discuss any issues that you believe need to be addressed,” he wrote. “I reaffirm my suggestion that this matter be discussed face to face.”

A copy of Sweeney’s letter is available on the BLE website in PDF format.

BLE NEWS

Sweeney to Boyd: ‘Reafiliation jeopardized’

Informational picketing targets CSXT, remote control

Informational Pickets

Continued from Page 1

messages pointing out the role professional locomotive engineers play in the day-to-day safe operations of the railroad. On March 6, the banners emphasized the significant economic impact the craft of locomotive engineer has on the railroad’s bottom line.

These positive messages drew considerate hand waves and responses from passengers on the Board of Directors Special.

At Birmingham and Nashville, leaflets were distributed to managers explaining many of the advantages engineers bring to the railroad’s operating plan to turnover established.

Hahs responds to criticism from CSX Vice-President Crown

In a sharply worded reply to a misleading letter from CSX Executive Vice President A.F. Crown, BLE International President Don M. Hahs defended the BLE’s rights and justifications in setting up informational pickets in March to inform members of the CSX Board of Directors about the BLE’s position regarding remote control technology.

Hahs states that Crown’s expression of “disappointment” over BLE members’ decision to exercise their Constitutional rights by peacefully picketing is “particularly disturbing.”

Crown’s letter was sent to the four BLE General Chairmen who represent members on CSX, and expressed his opinion that the behavior of BLE members was inappropriate. He also made unsubstantiated comments that suggested that it was the BLE that refused to bargain with the carriers on the issue of remote control, the BLE President said.

“Your suggestion that it is this organization (the BLE), and not the company, that has somehow hidden the facts and declined to ‘engage in meaningful dialogue’ is pure rhetoric,” Hahs wrote. “CSXT has never offered to bargain over remote control assignments. Instead, what you and the other carriers proposed was ‘bargaining on our terms.’

Hahs refused to point out other inaccuracies in Crown’s letter and suggested that these issues would best be taken up via collective bargaining and suggested a meeting regarding these issues.

“I urge you and all other carriers who are parties to the Letter of Intent entered into on September 29, 2001, to reconsider and meet with us to iron out a reasonable settlement of our differences,” President Hahs wrote.

Locomotive Engineers conduct informational picketing at Colera, Ala.

Eastern and Western Lines pooled their efforts and worked collectively to make sure that the informational pickets were a success. Organizers of the event, members of the BLE’s National Mobilization Team, sent the following message to members of CSXT’s Board of Directors:

“It is time for CSXT to acknowledge its engineers and the contribution they make to the total operating success CSXT has experienced in the past years,” their statement reads. “CSXT is now number one in customer service, number one in reduction in derailments and fast closing in on Norfolk Southern in safety statistics. All these improvements are a direct result of locomotive engineers meeting the challenges of today’s railroad by increasing productivity while, at the same time, improving safety. Acknowledgement in this case means factoring locomotive engineers into their operating strategies for the future.

“(Remote control) is a matter of safety that cannot and will not be ignored,” their statement continued. “It is also a matter of jobs and family security for many BLE members and railroad employees. It is the obligation of BLE leaders to resolve this issue and to preserve the rich tradition and future of locomotive engineers.”

The BLE International Division and all CSX General Chairmen expressed their appreciation to the hundreds of BLE members who took their personal time to participate in this mobilization campaign. They also thanked General Chairman Gil Gere, Union Pacific-Southern Region, who gave his office and resources to help make this effort a success.
Remote Control
Continued from Page 1

Remote Control

In a safety recommendation issued on March 21, the National Transportation Safety Board concluded that CSX Transportation’s failure to sufficiently train and oversee a locomotive engineer, as well as a flawed operating rule, led to a fatal derailment February 2000 near Wilmington, Del.

One of cars involved in the Jan. 30, 2000, derailment derailed a nearby home, killing a 15-year-old boy and seriously injuring his mother. Three other occupants of the home escaped without injury, and members of the train crew were not hurt. Overall, 76 of the train’s 80 cars derailed, causing more than $3.2 million in damages.

“The National Transportation Safety Board determined that the probable cause of the January 30, 2000, derailment of CSX train V868-26 near Wilmington, Md., was the railroad’s practice of including dynamic braking in determining maximum authorized speed without providing the engineer with real-time information on the status of the dynamic braking system,” the NTSB safety recommendation stated.

“While the Bloomington accident engineer’s actions do not appear to have directly caused or contributed to the accident, some of his actions, or some of his failures to act, reflected upon the efficacy of his supervision, training and support.” The engineer involved had been certified by FRA regulations. It also noted that the engineer served as engine service just a few weeks before the derailment. The road foreman told him he could have a pilot, for two roundtrips. For his first trip, a pilot was provided on the westbound leg (uphill) from Cumberland, Md., to Graffon, W.Va., which is the opposite direction of the accident. However, no pilot was provided for the second leg of the trip.

“The engineer said that when he was called for his second trip, he asked that a pilot accompany him on the return to Cumberland,” the report states. “But, he said, a crew caller told him that the crew caller and the lead crew caller would decide whether the engineer needed a pilot and, if so, would provide one. No pilot was provided.”

According to company records, no CSXT employee had ridden with the engineer while he operated a train.

The NTSB recommended that, because CSXT’s operation of the CSX through the bloomington area was a critical area of train handling such as steep grades. (R-02-8)

The NTSB recommended that CSXT change one of its operating rules, which it said contributed to the derailment.

The Safety Board recommended that, the future, CSXT provide engineers with pilots when appropriate. It also recommended that CSXT change one of its operating rules, which it said contributed to the derailment.

“Systematically ensure that engineers are provided with pilots as appropriate and that locomotive engineers are fully evaluated over the whole of their territories, particularly in critical areas of train handling such as steep grades. (R-02-8)

• Establish guidelines for training and requalification programs that enable the operation of locomotives via remote control so as to ensure that every railroad carrier is in compliance with its obligations under Section 20701 of the Locomotive Act.”

The full text of the lawsuit is available on the BLE website at: http://www.ble.org/pr/pdf/R02_8_12.pdf

BLE files lawsuit against Secretary of Transportation Mineta, FRA Administrator Rutter
The new law provides for the transfer of railroad retirement funds from the Railroad Retirement Account and the Social Security Equivalent Benefit Account to a new National Railroad Retirement Investment Trust, whose Board of Trustees is empowered to invest trust assets transferred from the Social Security Equivalent Benefit Account, in non-governmental assets, as equities and debt instruments, as well as in governmental securities.

3. Will the new National Railroad Retirement Investment Trust be a Federal body and who will serve as its Trustees?

The National Railroad Retirement Investment Trust will not be treated as an agency or instrumentality of the Federal Government. Its Board of Trustees will be comprised of seven members: three members selected by rail labor, one of whom shall be a labor employee representative; three members selected by rail management to represent the interests of manage- ment; and one independent member selected by the Secretary of the Treasury.

The Trustees will be appointed only from among persons who have experience and expertise in the management of financial investments and pension plans. The members shall be appointed for three-year terms. However, the initial appointments shall be for a one-year term, one group for a two-year term, and one group for a three-year term.

4. Will the new National Railroad Retirement Investment Trust be subject to the Employee Retirement Income Security Act (ERISA)?

The Trustees are subject to reporting and fiduciary standards similar to ERISA requirements with respect to disclosures of private employee pension benefit plans. However, no rules similar to the funding requirements of ERISA and related provisions apply to the Trustees, the Trust, or Trust assets.

5. How did the financing provisions of the new law affect the tier II payroll tax rates paid by employees, employee representatives and employees?

The new law reduced the tier II tax rates on rail employees, including rail labor organizations, in calendar years 2002 and 2003, and beginning with 2004 provides automatic adjustments in the tier II tax rate paid by employees. It also repealed the supplemental annuity with the tax rates payable depending on the average account benefits ratio. However, the rate will be 22.1 percent and the employee tier II tax rate would be 4.9 percent.

The tier II tax rate of 4.9 percent is the same as for 2004, tier II tax rates on both employers and employees will be based on the average account benefits ratio. Depending on the average account benefits ratio, the tier II tax rate for employees will range between 8.2 percent and 8.4 percent.

6. What is the average account benefits ratio and, in basic terms, how will this mechanism work?

As defined in the new law, the “average account benefits ratio…” for any fiscal year, the amount determined by the railroad Board of Trustees by dividing the fair market value of the assets in the Railroad Retirement Account and the National Railroad Retirement Investment Trust (and for years before 2002, the Social Security Equivalent Benefits Account) as of the close of such fiscal year by the total benefits and administrative expenses paid from the Railroad Retirement Account and the National Railroad Retirement Investment Trust during such fiscal year.

7. Did the new law affect tier I tax rates?

The new law did not change the 7.65 percent tier I social security equivalent tax rate. The tier I tax on employee and employers remains the same as for social security covered employees and employers, and is divided into 6.20 percent for retirement and 1.45 percent for Medicare hospital insurance. The maximum amount of an employee’s earnings subject to the 6.20 percent rate is $84,000 in 2002, the Medicare hospital insurance tax is applied to all earnings.

8. How did the new law affect the railroad retirement supplemental annuity tax?

The new law repealed the railroad retirement supplemental annuity tax, which is no longer payable for years after 2001. This two-weeks tax had been paid solely by rail employees, including rail labor organizations, and was eliminated only after a delay determined quarterly by the Board. It also eliminated the separate Supplemental Annuity Account under the Railroad Retirement Act. Supplemental annuities will now be funded by the new Railroad Retirement Investment Trust.

9. Will employees continue to receive supplemental annuities at age 65 if they have at least 25 years of railroad service and at age 60 if they have at least 30 years of railroad service?

The supplemental annuity provisions of the Railroad Retirement Act are not affected. Employees will still be eligible if they meet the requirements for a supplemental annuity, including a current connection with the railroad industry and at least one month of railroad service before October 1, 1981.

10. Did the new law change any other financing provision of the railroad retirement system?

The new law did not change the provisions for the financial interchange with social security or the vested dual benefit appropriations, or the transfer of revenues from income taxes on railroad retirement benefits to the railroad retirement trust funds.
Compensated employment effects
retroactivity of disability annuities

March 13, 2002

Release No. 04-2002
Subject: Retroactivity of Disability Annuitites

To Chief Executives, Railway Labor Organizations:

This is to call your attention to a situation which sometimes arises in cases involving disability annuity applications under the Railroad Retirement Act.

The maximum retroactivity of a disability annuity application is 12 months prior to the filing date; and a five-month waiting period, beginning with the month after the month of the onset of disability, is required before disability annuity payments can begin.

However, while employment rights need not be relinquished, payment of a worker’s disability annuity may not begin earlier than the day after the employee stops working in compensated service for any railroad employer, including labor organization service. The work includes service for more than $24.99 in a calendar month to a local lodge or division of a railroad labor organization. Also, work by a local lodge or division secretary collecting insurance premiums, regardless of the amount of salary, is railroad work which must be stopped. In fact, an employee cannot file an application for a disability annuity until he or she is no longer on the payroll of a railroad or railroad union.

An employee can incur a substantial loss in benefits if he or she is unaware of this restriction, as illustrated in the following example:

In mid-January, an employee develops a medical condition that precludes his working his regular railroad job. He files for sickness benefits under the Railroad Unemployment Insurance Act since he expects that he will be able to return to work in the near future. Meanwhile, he performs various clerical tasks for his local lodge and is paid $50 a month. Finding that his condition is more serious than he realized, he tries to file an application for a disability annuity with the Railroad Retirement Board in late November. At that time he is informed that his work for the local lodge is considered compensated service for a railroad employer and that he cannot even file his application until the five-month waiting period has expired. By that time, he is informed that his work for his local lodge and files his application.

The subsequent evaluation of the employee’s medical evidence by the Board shows that the onset date of the employee’s disability was January 15th. After serving the required waiting period, payment of the employee’s annuity could have been retroactive to July 1st. However, because of his compensated service to his local lodge, the earliest his annuity can begin is December 1st. Since his monthly annuity is larger than the monthly payments he received from the union, this resulted in a substantial loss of benefits.

If, in this example, the employee had ceased all work for the railroad and railroad labor organization, filed an application for disability annuity, prior to a return to temporary compensated service, the annuity could retroact to the earliest date possible. However, the annuity would be suspended for any month the employee was in compensated service. If the application was filed after the temporary return to compensated service ended, the earliest the annuity could begin is the day after that service ended.

As you can see, it is very important that employees be aware that there are work restrictions on disability annuity payments under the Railroad Retirement Act. Consequently, employees should not hesitate to contact their local Railroad Retirement Board office if they have any questions or need any guidance in these matters.

Sincerely,

V.M. Speakman Jr.
Labor Member
U.S. Railroad Retirement Board
Members of the Brotherhood of Locomotive Engineers ratified their first-ever contract with the Cape Breton & Central Nova Scotia Railway (CB&CN) on March 28, concluding a strike that began nearly two months ago.

“I am pleased to announce that the strike is over,” said BLE Canadian Director Gilles Hallé. “The workers will go back to work at midnight (on March 28).”

Brother Hallé commended the Brothers of BLE Division 900 for sticking together and bringing the strike to a successful conclusion. “It was a big show of solidarity,” he said.

BLE International President Don M. Hahs and Brother Hallé both recognized Special Representative Robert J. Toole for his outstanding work on a job well done. CB&CN is a subsidiary of RailAmerica, operating along 245-miles of track throughout Nova Scotia. RailAmerica calls itself the world’s largest operator of regional and shortline railways.

The strike began on February 6 at 7 a.m. when BLE members walked off the job over a host of issues, including seniority, work schedules, wages, rest, crew consist, vacation, pension plan, training, and spare boards. Contract negotiations first began in early 2001.

Brother Hallé said the agreement meets the needs of the CB&CN workers, and that more details about the contract will be provided shortly.

The BLE ratification process for the BNSF safety agreement is expected to go smoothly. The four BLE General Committees — the BNSF Division, the UP-Western Division, the UP-Eastern Division, and the Atchison, Topeka & Santa Fe Railway Division — are in the process of voting on a proposed safety agreement, the third to be negotiated with BNSF management since the BLE and the United Transportation Union (UTU) entered into negotiations first began in early 2001.

The four BLE General Committees are working with the UTU general chairmen and members to negotiate the best safety agreement that adheres to the National Railroad Labor Relations Act. Once the UTU general chairmen and members have signed off, a majority of BLE members must vote to ratify the agreement.

The BLE is a democratic organization which gives its members the right to vote on agreements that govern their daily working rules, no matter what tool they are working in.

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