



Locomotive

ENGINEERS & TRAINMEN NEWS

JULY
2017
VOLUME 31, ISSUE 7
DAILY NEWS UPDATES
WWW.BLE-T.ORG

PUBLISHED BY THE BLET, A DIVISION OF THE RAIL CONFERENCE, INTERNATIONAL BROTHERHOOD OF TEAMSTERS



NORFOLK SOUTHERN POWER

On July 30, 2016, Norfolk Southern ran its last train across the NS Princeton-Deepwater District from Alloy Yard in Deepwater, W.Va., south to Elmore Yard in Mullens, W.Va. When the brakes were applied in Elmore and the track authority was released, Watco began taking over operations on the route as part of its new Kanawha River Railroad.

Photo: courtesy Chase Gunnoe

BLET members vote to authorize strike at Wheeling & Lake Erie

One hundred percent of voting BLET members working for the Wheeling & Lake Erie Railway (WLE) have voted in favor of withdrawing from service should the union and the railroad fail to reach an agreement to settle their contract dispute under processes set forth in the Railway Labor Act (RLA).

In late May, the BLET mailed strike ballots to over 150 BLET members, more than 75 of whom hold seniority as both locomotive engineers and trainmen. Ballots were counted in late June and 100 percent of the ballots cast in each craft were in favor of a strike should one become necessary to attain the Organization's bargaining goals.

BLET National President Dennis R. Pierce said the unanimous vote in favor of a strike indicates a clear mandate from BLET members that they are prepared to fight for a fair agreement.

As background, the BLET holds the contract to represent both the locomotive engineer and the trainman crafts at WLE. BLET served Section 6 notices to begin contract negotiations on January 5, 2012. The union requested mediation on August 6, 2012, and a mediator was assigned the following day.

For nearly five years, the parties have continued to bargain under the auspices of NMB mediation. The parties reached a tentative agreement in September 2016, but it was rejected by over 90% of voting members in each craft.

On May 25, 2017, President Pierce formally requested that the NMB declare an impasse and proffer arbitration to the parties as a possible prelude to being released from mediation. The strike vote allows BLET members to exercise self-help in defense of their agreements should the RLA process be exhausted without new agreements being reached.

On September 20, 2013 — about six weeks after mediation began — BLET locomotive engineers and trainmen were forced to strike over the railroad's repudiation of the union's collective bargaining agreements. Specifically, the carrier used management officials to perform the work of bargaining unit employees, and ignored crew consist agreements by operating single-person operations in an

attempt to eliminate trainmen. The U.S. Court of Appeals for the Sixth Circuit ruled in favor of the BLET's position that the WLE's use of managers in place of union conductors was, indeed, a major dispute under the RLA. In January of this year, the U.S. Supreme Court denied a petition filed by WLE to review the Sixth Circuit decision, thus vindicating the BLET's position and solidifying a major victory for WLE's union membership.

"I want to thank our Wheeling & Lake Erie locomotive engineers and trainmen for their high level of solidarity in the strike vote process," President Pierce said. "This is a critical time in our long-standing dispute and I urge all WLE members to continue standing strong and united." @@

"I WANT TO THANK OUR WHEELING & LAKE ERIE LOCOMOTIVE ENGINEERS AND TRAINMEN FOR THEIR HIGH LEVEL OF SOLIDARITY IN THE STRIKE VOTE PROCESS. THIS IS A CRITICAL TIME IN OUR LONG-STANDING DISPUTE AND I URGE ALL WLE MEMBERS TO CONTINUE STANDING STRONG AND UNITED." – PRESIDENT PIERCE



BLET President's Message

Get active, get involved

pg. 2



Contract Ratified

WNYP members approve first BLET contract, pg. 3

Election Rules Published

Rules for the 2018 BLET National Division Officers Election pg. 5-11

Register for News Flash email alerts at: www.ble-t.org/newsflash



Follow us on Facebook: www.facebook.com/BLETNational


BLET PRESIDENT'S MESSAGE BY DENNIS R. PIERCE

GET ACTIVE, GET INVOLVED

YOUR UNION MEMBERSHIP IS MORE IMPORTANT NOW THAN EVER BEFORE

Once again, this edition of the *Locomotive Engineers & Trainmen News* goes to print with no voluntary settlement in sight for our national freight negotiations. While traveling the country discussing this long and drawn out bargaining process, it is clear to me that some of our Brothers and Sisters are starting to lose hope for a fair settlement.

Even more concerning is that some of those Brothers and Sisters have fallen for the rail carriers' "fake news" that the unions have somehow failed to share fair Carrier contract proposals with our members. If you saw our July 7th *News Flash*, you read the carriers' most recent "fair" proposal. We must not succumb to these predictable acts on the part of the nation's freight roads; their choice to drag out negotiations rests on their shoulders and they should be held accountable for that.

The same is true of their choices to disrupt the lives of thousands of operating employees as they attempt to reinvent their operations solely for the sake of profit, and without regard for quality of life and safety. Its times like this — times of labor crisis in our industry and in the United States — that make it more important now than ever before that we all stand up and become actively involved in our union.

Our fight is not just on the contract front. Working Americans and the unions that represent them are being attacked once again in Washington, D.C., with the rights of union members coming under fire. The National Right-To-Work Act in Congress (H.R. 785) is intended as a death-blow to all unions throughout the United States. Wealthy corporations are leading this attack, and we must mobilize as the working class backbone of our great na-



President Pierce at the BLET's San Antonio Regional Meeting.

tion and let those who would harm the working class know that we will not allow their attacks to go unchallenged.

Although some may take them for granted, Americans — Union and non-Union — enjoy many benefits that have been secured by the sacrifices of organized labor and the struggles by past generations of our Brothers and Sisters. Employer-provided health care, retirement benefits, and workplace safety laws are just a few of these benefits. We must never assume that Corporate America will continue to provide fair wages and benefits to working class Americans if there is no Union movement to lead that charge.

Some have said that a government that works for Corporate America does so at the expense of the working class ... but I disagree that such an outcome is inevitable. I believe that if all hard working Union men and women stand together, and refuse to succumb to these attacks on the working class, others will

join us. We must lead by example, and we cannot afford to idly sit by and hope that our employers — or their bought and paid for politicians — will protect our interests without us shouting loud and clear that they must. Elections have consequences, and we have to make sure the candidates we elect are held accountable, and that they truly support American workers and the union movement.

We have a difficult challenge. The number of "right-to-work" states has increased in recent years. Some of our elected officials are hell bent to strike down labor benefits and workplace safety protections that negatively impact the very citizens who vote for them. The big money now in play in national politics makes it clear that these politicians are only working for the interests that give them the most money.

This can be seen in our very own railroad industry. Railroad corporations, along with corporate-friendly politicians, are cur-

rently working to scale back many of the rail safety regulations that help to keep you safe on the job. The Federal Crew Size regulation that was put forward by the previous Administration is not expected to ever see the light of day. The goal now being pushed by the railroads via the new Administration is to move toward "self-regulation" in the railroad industry, which is the equivalent of letting the fox guard the henhouse.

Anti-worker nominees have been put forward by the new Administration to control the National Labor Relations Board, and two new Republican members have been nominated to take control of the National Mediation Board, which oversees our organizing, arbitration and mediation processes. These business-friendly appointments — still to be confirmed by the Senate — do not bode well for our Brotherhood as we continue the fight on Capitol Hill to keep our members safe while on duty.

In spite of the scenario I have painted here, I remain optimistic that your involvement can make a difference.

In late July, about two dozen BLET officers gathered in Washington, D.C., to attend a Legislative Representative training class offered by the BLET Education and Training Department. Following the classroom training portion of the workshop, these Brothers set out to lobby on Capitol Hill. In less than two full days, they visited more than 100 members of the U.S. House of Representatives to lobby on your behalf regarding issues such as Amtrak funding, Positive Train Control, infrastructure investment and two-person train crews, and against the National Right-To-Work Act.

Having these boots on the ground was an overwhelmingly

positive experience for all who participated, and it also made it clear to me that membership involvement is vital to our success. In some case, the Representatives had no idea about the legislation that our Officers came to discuss, nor did they understand our issues as they typically focus on other industries (for example, agricultural issues instead of rail or transportation issues).

Not only must Union officers lead by example as this group did in Washington, D.C., but our full membership also can set an example for the rest of the American society to follow. The message that we can send as a proud united membership is a powerful one: we are standing up for all working class Americans, and we are the first line of defense against the corporate effort to distribute even more of this country's wealth to the 1% at the expense of the 99%.

In closing, I want to take this opportunity to thank all of the BLET Officers and Staff who attended the recent Legislative Representative Class in Washington, specifically the State Legislative Board Chairmen, Division Legislative Representatives and Alternates, and other Officers and Staff who took the time to come carry the Union's message to Capitol Hill. It was refreshing to see their dedication to our cause, and I urge you to join in helping your National Division put even more boots on the ground.

Our ability to meet our membership's expectations is directly affected by the politicians that we collectively elect and how we take our message to them. Join me, get involved in your Union and help us defeat these attacks on organized labor and to advance the cause of the BLET and the American working class. ©

DENNIS R. PIERCE
BLET NATIONAL PRESIDENT

66 Our fight is not just on the contract front. Working Americans and the unions that represent them are being attacked once again in Washington, D.C., with the rights of union members coming under fire. The National Right-To-Work Act in Congress (H.R. 785) is intended as a death-blow to all unions throughout the United States. 99

BLET NATIONAL DIVISION ELECTRONIC COMMUNICATIONS POLICY

Official communications between BLET members and the National Division require a hard copy of the correspondence, bearing a signature, being received by the National President to be considered an "official communication." This is to provide that the actual question(s) are addressed, and ensures that when official interpretations are made they have

reference to a specific request and can be used in future correspondence.

The volume of e-mails received makes it impossible for the National President to answer all unofficial communications. Therefore, it is the policy of the BLET that e-mails addressed to the National President will be reviewed and forwarded to the appropriate officer or staff for a timely

response; however, an e-mail message is not considered an official communication.

Moreover, anonymous e-mails and e-mails that do not provide sufficient information concerning the sender to enable National Division staff to confirm the sender's membership status will not receive any reply or acknowledgement. This policy is intended to allow the National

President to be aware of the opinions and suggestions of the membership, while at the same time providing a timely response to the member's unofficial communication, if a response is necessary, without needlessly expending limited BLET resources.

ADOPTED AT CLEVELAND, OHIO ON JULY 22, 2010. ©



GENERAL PRESIDENT'S MESSAGE BY JAMES P. HOFFA

NAFTA 2.0 MUST PUT WORKERS FIRST

The renegotiation of NAFTA is finally heating up, with the first round of talks set to be held in August in the nation's capital. But there is a lot to be sorted out before any new deal can be struck.

The Teamsters have real concerns about what a new North American trade pact will look like. And the White House's release of its "Summary of Objectives for the NAFTA Renegotiation" in July did little to assuage the union's doubts.

I am disappointed that the latest version of the administration's



goals for a NAFTA replacement is not more specific. The very general outline that the USTR posted on its website suggests that the Trump trade reform team is still

undecided about what new trade policy model will replace the old NAFTA and its expansion in other bad deals like the Trans-Pacific Partnership.

The White House has made it clear that it agrees that NAFTA has been a disaster for American manufacturing and workers. But as it stands, there is nothing in these USTR guidelines for renegotiation that point towards the dramatic overhaul that NAFTA needs.

For example, while the Teamsters agree with the administration that a modernized NAFTA must include new chapters that

protect labor rights and prohibit currency manipulation, the union is concerned, based on these new negotiating objectives, that the USTR won't take strong and specific language to the table when the talks start August 16.

This outline raises more questions than it answers about U.S. priorities going into NAFTA renegotiation. The priorities for the Teamsters, our U.S. and Canadian members alike, include removing the worst provisions, like the outdated and controversial investor-state dispute settlement regime in the investment chapter, the government procure-

ment provisions that undermine Buy American, and the cross-border trucking provisions that threaten highway safety.

I plan to work with the USTR in support of a fair trade agenda and a new NAFTA that is superior to the TPP and finally works for U.S. manufacturers and workers. That is the only way to make sure hardworking Americans prevail under a revamped trade deal.

Fraternally,

JAMES P. HOFFA
TEAMSTERS GENERAL
PRESIDENT

Members ratify first-ever union contract with WNYP

In late May, members of the Brotherhood of Locomotive Engineers and Trainmen (BLET) achieved a significant milestone with the ratification of their first-ever union contract with the Western New York & Pennsylvania Railroad. It was ratified by an overwhelming majority of those casting a ballot.

The four-year agreement governs about a dozen members and runs through December 31, 2021. The agreement establishes hourly wage rates, overtime pay, a seniority roster, the concept of a basic day, and health and welfare benefits. It provides due process protections for members — perhaps one of the most important benefit in any union contract — that defines the process for protection of employees when disciplinary charges are levied regarding an alleged rule violation.

Prior to ratification of the contract, there were three rates of pay for locomotive engineers and three rates of pay for conductors. The new BLET agreement transitions wage scales to a single locomotive engineer hourly rate and a single conductor hourly rate by 2021. Over the term of the agreement, wage increases will range from 15.91% to 28.44% for locomotive engineers and from 15.91% to 33.75% for conductors; each being dependent upon what the pre-BLET rate for an individual worker had been. The contract provides nine paid holidays and workers are paid an additional eight

hours for working on those holidays. It also covers paid time off/sick leave, jury duty leave, and bereavement leave.

The new contract stipulates several items that must be provided to employees, such as suitable drinking water, ice, front/rear window defrosters, heaters, and window awnings for switching service.

The WNYP membership belongs to BLET Division 421 in Buffalo, N.Y.

BLET National President Dennis R. Pierce thanked National Vice President Rick Gibbons for helping to bring the negotiations to a successful conclusion. President Pierce also thanked National Vice President Jim Louis and Division 421 (Buffalo, N.Y.) President Greg Lund for their assistance during the ratification process. He also recognized New York, Susquehanna & Western General Chairman Ben Martin for his efforts during the initial drive to organize the WNYP workers and during the early stages of negotiations.

"I am proud to officially welcome our Western New York & Pennsylvania members into our Brotherhood," President Pierce said. "I also thank our new WNYP members for their patience during the negotiating process and for their active participation in the ratification process."

The WNYP main line extends for 190 miles from Hornell, on New York's southern tier to Meadville in northwestern Pennsylvania. A branch 90 miles long extends from Machias, N.Y. to North Drift-

wood, Pa., cresting the Allegany Mountains at Keating Summit. Interchange is made with Norfolk Southern at Hornell, Meadville and North Driftwood, and with Buffalo & Pittsburgh Railroad at Salamanca, N.Y. and Corry, Pa. Interchange is also conducted with Oil Creek & Titusville Line (OCTL) at Rouseville, Pa.

WNYP began independent operations in 2001 after concluding a long-term lease with Norfolk Southern and obtaining certain property tax abatements granted by Southern Tier Extension Rail Authority (STERA). WNYP is controlled by Livonia, Avon & Lakeville Railroad Corp. of Lakeville, N.Y. ©



WNYP locomotive #637 at Eldred, Pa.

BR&CF Hits the Mark!



Start saving today with membership in the BR&CF. We offer multiple benefit levels to meet your needs. If you have any questions call our office at:

(800) 233-7080

The leading provider of job income protection since 1912!

DAILY BENEFIT	\$80/*\$81	\$120	\$150	\$200/*\$201	\$250/*\$252
BR&CF Monthly Dues	\$30.40	\$45.60	\$57.00	\$76.00	\$95.00
*LE&CMPA #16 Monthly Premium	\$47.25	\$70.00	\$87.50	\$117.25	\$147.00
SMART - TD (UTU) Monthly Assessment	\$64.80	\$97.20	\$121.50	\$162.00	Not Offered

Apply today - **www.brcf.org**



Q&A: Unemployment and sickness benefits for railroad employees

The Railroad Retirement Board (RRB) administers the Railroad Unemployment Insurance Act, which provides two kinds of benefits for qualified railroaders: unemployment benefits for those who become unemployed but are ready, willing, and able to work; and sickness benefits for those who are unable to work because of sickness or injury. Sickness benefits are also payable to female rail workers for periods of time when they are unable to work because of pregnancy and childbirth. A new benefit year begins each July 1.

The following questions and answers describe these benefits, their eligibility requirements, and how to claim them.

1 What are the eligibility requirements for railroad unemployment and sickness benefits in July 2017?

To qualify for normal railroad unemployment or sickness benefits, an employee must have had railroad earnings of at least \$3,637.50 in calendar year 2016, counting no more than \$1,455 for any month. Those who were first employed in the rail industry in 2016 must also have at least five months of creditable railroad service in 2016.

Under certain conditions, employees who do not qualify on the basis of their 2016 earnings may still be able to receive benefits in the new benefit year. Employ-

ees with at least 10 years of service (120 or more months of service) who received normal benefits in the benefit year ending June 30, 2017, may be eligible for extended benefits, and employees with at least 10 years of service (120 or more months of service) might qualify for accelerated benefits if they have rail earnings of at least \$3,637.50 in 2017, not counting earnings of more than \$1,455 a month.

In order to qualify for extended unemployment benefits, a claimant must not have voluntarily quit work without good cause and not have voluntarily retired. To qualify for extended sickness benefits, a claimant must not have voluntarily retired and must be under age 65.

2 What is the daily benefit rate payable in the new benefit year beginning July 1, 2017?

Almost all employees will qualify for the maximum daily benefit rate of \$72. Benefits are generally payable for the number of days of unemployment or sickness over four in 14-day claim periods, which yields \$720 for each two full weeks of unemployment or sickness. Sickness benefits payable for the first 6 months after the month the employee last worked are subject to tier I railroad retirement payroll taxes, unless benefits are being paid for an on-the-job injury. (Claimants should be aware that as a result of a sequestration order under the Budget Control Act of 2011,

the RRB will reduce unemployment and sickness benefits by 6.9 percent through September 30, 2017. As a result, the total maximum amount payable in a 2-week period covering 10 days of unemployment or sickness will be \$670.32.

3 How long are these benefits payable?

Normal unemployment or sickness benefits are each payable for up to 130 days (26 weeks) in a benefit year. The total amount of each kind of benefit which may be paid in the new benefit year cannot exceed the employee's railroad earnings in calendar year 2016, counting earnings up to \$1,879 per month.

If normal benefits are exhausted, extended benefits are payable for up to 65 days (during 7 consecutive 14-day claim periods) to employees with at least 10 years of service (120 or more cumulative service months).

4 What is the waiting-period requirement for unemployment and sickness benefits?

Benefits are normally paid for the number of days of unemployment or sickness over four in 14-day registration periods. Initial sickness claims must also begin with four consecutive days of sickness. However, during the first 14-day claim period in a benefit year, benefits are only payable for each day of unemployment or sickness in excess of seven which, in effect, provides a one-week waiting period. (If an employee has at least five days of unemployment or five days of sickness in a 14-day period, he or she should still file for benefits.)

5 Are there special waiting-period requirements if unemployment is due to a strike?

If a worker is unemployed because of a strike conducted in accordance with the Railway Labor Act, benefits are not payable for days of unemployment during the first 14 days of the strike, but benefits are payable during subsequent 14-day periods.

If a strike is in violation of the Railway Labor Act, unemployment benefits are not payable to employees participating in the strike. However, employees not among those participating in such an illegal strike, but who are unemployed on account of the strike, may receive benefits after the first two weeks of the strike.

6 Can employees in train and engine service receive unemployment benefits for days when they are standing by or laying over between scheduled runs?

No, not if they are standing by or laying over between regularly assigned trips or they missed a turn in pool service.

7 Can extra-board employees receive unemployment benefits between jobs?

Yes, but only if the miles and/or hours they actually worked were less than the equivalent of normal full-time work in their class of service during the 14-day claim period. Entitlement to benefits would also depend on the employee's earnings.

8 How would an employee's earnings in a claim period affect his or her

eligibility for unemployment benefits?

If a claimant's earnings for days worked, and/or days of vacation, paid leave, or other leave in a 14-day registration period are more than a certain indexed amount, no benefits are payable for any days of unemployment in that period. That registration period, however, can be used to satisfy the waiting period.

Earnings include pay from railroad and nonrailroad work, as well as part-time work and self-employment. Earnings also include pay that an employee would have earned except for failure to mark up or report for duty on time, or because he or she missed a turn in pool service or was otherwise not ready or willing to work. For the benefit year that begins July 2017, the amount is \$1,455, which corresponds to the base year monthly compensation amount used in determining eligibility for benefits in each year.

9 How does a person apply for and claim unemployment benefits?

Claimants can file their applications for unemployment benefits, as well as their subsequent biweekly claims, by mail or online.

To apply by mail, claimants must obtain an application from their labor organization, employer, local RRB office, or the agency's website. The completed application should be mailed to the local RRB office as soon as possible and, in any case, must be filed within 30 days of the date on which the claimant became unemployed or the first day for which he or she wishes to claim benefits. Benefits may be lost if the application is filed late.

To file their applications – or their biweekly claims – online, claimants must first establish an RRB online account at www.rrb.gov. Instructions on how to do so are available by visiting the Benefit Online Services section of the RRB's website. Employees are encouraged to establish online accounts while still employed so the account is ready if they ever need to apply for these benefits or use other select RRB Internet services. Employees who have already established online accounts do not need to do so again.

The local RRB field office reviews the completed application, whether it was submitted by mail or online, and notifies the claimant's current railroad employer, and base-year employer, if different. The employer has the opportunity to provide information about the benefit application.

After the RRB office processes the application, biweekly claim forms are mailed to the claimant, and are also available on the RRB's website, as long as he or she remains unemployed and eligible for benefits. Claim forms should be signed and sent on or after the last day of the claim. This can be done by mail or electronically. The completed claim must be received by an RRB office within 15 days of the end of the claim or the date the claim form was mailed to the claimant or made available online, whichever is later.

10 How does a person apply for and claim sickness benefits?

An application for sickness benefits can be obtained from railroad labor organizations, railroad employers, any RRB office or the agency's website. An application and a doctor's statement of sick-

CONTINUED ON PAGE 12 <=>

LIKE US ON FACEBOOK

Accidents are unavoidable.

Losing your income doesn't have to be.

- Highest daily rate in the industry
- Claim payments up to your policy limit even if you sign a waiver
- Receive your full daily benefit if you are decertified and decline to exercise your seniority
- Claim payments deposited in your account every week



LECMPA

(800) 514-0010
www.lecmpa.org



Transportation workers protecting each other since 1910

RULES FOR THE 2018 BLET NATIONAL DIVISION OFFICERS ELECTION

FOREWORD

On May 3, 2017, the BLET Advisory Board adopted Rules for the 2018 Brotherhood of Locomotive Engineers and Trainmen National Division Officers Election ("National Election"). These Rules provide detailed guidelines for compliance with Section 48 – National Division Rules ("NDR") of the BLET Bylaws, which governs the election of National Division Officers. NDR Section 48 provides, in relevant part, that "... the National Secretary-Treasurer may issue supplemental guidelines or advisories with respect to counting ballots and other matters relating to these Rules. Any such supplemental guidelines or advisories shall be subject to approval by the Advisory Board."

Specifically, the Rules establish a timeline for various election-related activities, such as submission of nomination petitions, campaign contribution and expenditure reports, the filing of protests, and how balloting and the election will be conducted. In addition, they set forth the procedures to be used by the National Secretary-Treasurer in fulfilling his oversight responsibility under NDR Section 48.

They also include detailed procedures on campaigning that will provide transparency and fair and equal access to the membership. Lastly, the Rules provide a mechanism for handling all election-related protests and appeals.

In order to ensure that the membership is fully informed about all aspects of the election process, the Rules will be published in the *Locomotive Engineers & Trainmen News* as well as on the BLET website at: http://www.ble-t.org/pdf/2018_Election_Rules.pdf

PREAMBLE

The Rules assemble in one document all requirements and regulations affecting the nomination and election of Officers of the National Division ("ND") of the BLET. The bases for the Rules are the NDR and other applicable provisions contained in the BLET Bylaws, the Constitution of the International Brotherhood of Teamsters ("IBT"), as amended in conformity with the Consent Order of March 14, 1989, the 2004 Merger Agreement by and between the International Brotherhood of Locomotive Engineers and the IBT (the "Merger Agreement"), and relevant law affecting union elections.

These Rules are designed to provide for fair, honest, open and informed elections so as to permit the National Secretary-Treasurer and the American Arbitration Association (the "AAA") to certify the election results in the National Election. The AAA's authority to administer the electoral process and to certify the results of elections is limited to the election of National Division Officers. These Rules are not applicable to elections of BLET subordinate body officers.

TIMETABLE OF EVENTS

The following schedule shall apply to the 2018 nominations and elections of National Division Officers:

- **July 1, 2017:** Issuance of *Rules for the 2018 BLET National Division Officers Election*; publication of official forms, including candidate petitions, and financial disclosure and vendor disclosure forms.
- **August 1, 2017:** Beginning date for submission of petitions to the National Secretary-Treasurer to establish accredited candidate status. All petitions must be submitted to the National Secretary-Treasurer prior to 5:00 p.m. PDT on October 2, 2018.
- **August 1, 2017:** Deadline for filing of protests: (a) alleging violation(s) of Rules incorporating provisions of Labor-Management Reporting and Disclosure Act of 1959, as amended ("LMRDA"), where alleged violation(s) occurred prior to July 1, 2017, or (b) alleging violations of any Rule(s) occurring within first twenty-eight (28) days after issuance of Rules.
- **January 15, 2018:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the first required Campaign Contribution and Expenditure Report ("CCER") and Supplemental Form No. 1 for the period from July

1, 2017 through December 31, 2017. The first CCER must include all requested information retroactive to the first contribution and the first expenditure for the 2018 National Election. Each succeeding CCER must include all requested information not included in prior CCERs.

- **January 15, 2018:** Notice of date and place of holding of the Convention issued to all General Committees, Legislative Boards and Divisions, pursuant to NDR Section 5(c).
- **April 15, 2018:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the second required CCER and Supplemental Form No. 1 for the period January 1, 2018, through March 31, 2018.
- **April 15, 2018:** A "2018 National Division Officer Election" page will be made available within the Members Area of the National Division website. A link will direct members to a webpage where copies of the following documents will be available for viewing, printing and downloading:
 1. Rules for the 2018 National Election;
 2. Election Rules Advisories Issued by the National Secretary-Treasurer;
 3. Letters of Assignment to the Election Officer and Election Protest Committee;
 4. Official Forms relating to the Candidate/Slate Declarations;
 5. Official Forms relating to Candidate/Slate Accreditation;
 6. Official Forms relating to Candidate/Slate Finance Reporting;
 7. Determinations by the Election Protest Committee; and
 8. Advisory Board Decisions in appeals from Election Protest Committee Determinations.
- On and after this date, members also will be provided with copies of the above documents upon written request to the National Secretary-Treasurer.
- **July 15, 2018:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the third required CCER and Supplemental Form No. 1 for the period April 1, 2018, through June 30, 2018.
- **October 1 through October 4, 2018:** BLET National Division Convention.
- **October 2, 2018, 5:00 p.m. Pacific Daylight Time ("PDT"):** Deadline for receipt by National Secretary-Treasurer of candidate and slate declarations, written notices of intent to run for National Division office, and candidate petitions.
- **October 3, 2018:** Nominations of candidates for National Division offices.
- **October 15, 2018:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the fourth required CCER and Supplemental Form No. 1 for the period July 1, 2018, through September 30, 2018.
- **November 3, 2018:** Mailing of ballots for National Election.
- **December 3, 2018:** Deadline for receipt of ballots to be counted and counting of ballots in the National Election.
- **December 10, 2018:** Announcement of verified results of the National Election.
- **January 1, 2019:** Installation of National Officers and beginning of term of office.
- **January 15, 2019:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the fifth required CCER and Supplemental Form No. 1 for the period October 1, 2018, through December 31, 2018.¹

¹ Additional filing of the CCER and Supplemental Form No. 1 may be required after January 15, 2019, as prescribed in Article VIII, Section 1(e), and Article VIII, Section 2(d)(i)(F).



DEFINITIONS

1. The term "AAA" means the American Arbitration Association, a non-profit organization whose headquarters are in New York, New York, which organization will be contracted to administer the National Election process.
2. The term "address of record" means the address contained in the National Division's membership database on the day an address list is compiled as prescribed by these Rules.
3. The term "ballot-qualified member" means a person entitled to receive a ballot, and shall include any member in good standing whose dues are paid up through the month prior to the month in which the election is held, and any member who is exempt from the payment of dues pursuant to NDR Section 29(h)(1)–(h)(5).
4. The term "campaign contribution" means any direct or indirect contribution of money or other thing of value where the purpose, object or foreseeable effect of that contribution is to in any way influence, positively or negatively, the election, defeat, or withdrawal of a candidate for a National Division Officer position. Campaign contributions include but are not limited to:
 - (a) contributions of money, securities, or any material thing of value;
 - (b) payments to or tickets for a fund-raising event of any kind (e.g., raffle, dinner, beer or cocktail party, etc.);
 - (c) discounts in the price or cost of goods or services, except to the extent that commercially established discounts are available to the customers of the supplier;
 - (d) extensions of credit, except where obtained in the regular course of business of a commercial lending institution and on such terms and conditions as are regularly required by such institutions;
 - (e) payments for the personal services of another person, or for the use of building or office space, equipment or supplies, or advertisements through the media; or
 - (f) the performance of personal services or the making available for use of space, equipment, supplies or advertisements.
- The term "campaign contribution" does not include the performance of services by a volunteer who is not an employer, which is rendered on the volunteer's personal free time without compensation in any form by an employer and without accompanying contributions of supplies or services by an employer. The term "campaign contribution" also does not include payments or services received by a legal and accounting fund established by a candidate or slate to provide legal or accounting services provided solely for assuring compliance with applicable election laws, these Rules or other requirements, or for securing, defending, or clarifying legal rights of candidates.
5. Terms relating to candidacy for office are defined as follows:
 - (a) the term "candidate" means any member who is actively seeking nomination or election to any National Division Office. The term includes any member who has accepted any campaign contribution as defined by the Rules, or made any expenditure where the purpose, object or foreseeable effect of the contribution or expenditure is to influence the nomination or election of that member to any such office
 - (b) the term "accredited candidate" means any declared candidate for National Division office who has obtained signatures on petitions from Divisions and/or from Delegates representing at least five percent (5%) of the membership, pursuant to NDR Section 48, and who has been certified in writing by the National Secretary-Treasurer as having complied with this requirement; and
 - (c) the term "nominated candidate" shall mean an accredited candidate who is nominated for ND office pursuant to NDR Section 48 and these Rules.
6. The term "certified or registered mail" means mail for which the sender receives evidence of delivery, and includes overnight and express mail services. The term does not mean transmission via facsimile or electronic mail.
7. The term "Convention" means the National Division Convention of the Brotherhood of Locomotive Engineers and Trainmen, scheduled to be held on or about October 1 through October 4, 2018.
8. The term "day(s)" means calendar day(s), unless otherwise specified.
9. The term "Delegate" means a member elected by secret ballot vote to represent his/her Local Division at the 2018 National Convention, who otherwise satisfies the requirements set forth in the NDR.
10. The term "election" means the process by which a member is chosen by the membership to hold a Union office or position, whether or not contested.
11. The terms "Election Day" and "Election Date" mean December 3, 2018, or such other day that is determined by the National Secretary-Treasurer consistent with NDR Section 48 and these Rules.
12. The term "Election Officer" means that person appointed by the National President, with the consent of the Advisory Board, to assist the National Secretary-Treasurer in the performance of the election functions required under NDR Section 48, as supplemented by these Rules. The Election Officer shall perform all such duties at the direction and under the supervision of the National Secretary-Treasurer; the National Secretary-Treasurer may delegate any of his duties under Section 48 and these Rules as may be necessary and appropriate to conduct the election.
13. The term "election period" means the period beginning on July 1, 2017, and ending on Election Day.
14. The term "Election Protest Committee" means a three (3) member committee of BLET members in good standing who are, or have been, appointed by the National President, with the consent of the BLET Advisory Board, to perform those functions as set forth in Articles II and X herein, as well as their successors and designees, if any. No member of the Election Protest Committee shall be any candidate in this election, or otherwise serve as an observer as provided in Article VI herein, or be related to any candidate or any observer.
15. The term "Election Rules Advisory" means supplemental guidance issued by the National Secretary-Treasurer, subject to approval by the Advisory Board, following the publication of the Rules.
16. The term "employer" means any individual, corporation, trust, organization or other entity that employs another, paying monetary or other compensation in exchange for that individual's services, but does not include a candidate's campaign or campaign organization or a caucus or group of Union members, provided that such caucus or group is itself financed exclusively from contributions permitted under the Rules. The term "employer" includes not-for-profit employers, and all persons acting as agents of an employer in relation to an employee, and all attorneys (and their firms, partners, associates and employees) whose legal practice includes representation of unions, employee benefit plans, other employers, and/or railroad employees under the Federal Employers' Liability Act or any other federal or state laws. Except where otherwise expressly limited, "employer" is not limited to an employer which has a collective bargaining agreement with the Union or which is the subject of an organizing campaign by the Union.
17. The term "employer bulletin board" means any bulletin board or similar space on the premises of an employer which is used for, among other purposes, the posting of general information and/or the posting of notices by employees.
18. The term "General President" means the IBT International Union President.

19. The term “*independent committee*” means any person or entity not controlled by a candidate or slate who/which has accepted any campaign contribution, as defined by these *Rules*, or who/which has made any expenditure, where the purpose, object or foreseeable effect of the contribution or expenditure is to influence the election of National Division Officer candidate(s).

20. The term “*interested employer*” means any employer which is a party, or member of an association which is a party, to a collective bargaining agreement with the Union and any employer which has been the subject of an organizing campaign by the Union within nine (9) years before Election Day.

21. The term “*labor organization*” means any organization recognized or certified as a collective bargaining representative of employees with respect to wages, hours and/or working conditions or any organization seeking to be so recognized or certified. The term includes, but is not limited to, the Union, its subordinate bodies, organizations representing governmental and agricultural employees, all parent and subordinate bodies of a labor organization, all national, state or central bodies with which any labor organization is affiliated.

22. The term “*mail ballot*” means a ballot mailed to each *ballot-qualified member* as defined in these *Rules*.

23. The term “*member*” or “*membership*” means any *ballot-qualified member* who has fulfilled the requirements of membership in any Local Division and who has neither voluntarily withdrawn from membership nor been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the IBT Constitution and the National Division Rules and any Local Division Rules. The term “*member*” as used in these *Rules* does not include anyone who has relinquished his/her right to exercise his/her seniority either to accept a Railroad Retirement age and service annuity or pursuant to settlement of a Federal Employers’ Liability Act or any other legal or contract claim.

24. The term “*member in good standing*” means a member who has paid his/her dues through the month prior to the month in question.

25. The term “*National Division Officer*” means the BLET National President, the First Vice President, the National Secretary-Treasurer, and the Vice Presidents and the Trustees of the National Division, as those offices are defined and described in NDR Sections 2(a), 7, 8, 9, and 10, and also those alternate ND officers described in NDR Section 1(b).

26. The term “*National Election*” means the secret ballot vote of the membership to be held for the purpose of electing the BLET National President, the First Vice President, the National Secretary-Treasurer, and the Vice Presidents and the Trustees of the National Division, and the alternate ND officers described in NDR Section 1(b).

27. The term “*petition*” means a petition issued and authorized by the National Secretary-Treasurer for the obtaining of signatures by any candidate or slate of candidates who intend(s) to run for election to any ND office or offices, from either the President of a Local Division, following proper action at a division meeting, or Delegates to the National Division, to support the nomination of that candidate or slate of candidates.

28. The term “*slate*” means any grouping of two or more candidates by mutual consent.

29. The term “*subordinate body*” means any organization affiliated with the National Division of the BLET, and includes General Committees of Adjustment, State Legislative Boards, and Local Divisions. It does not include any other subordinate body of the IBT or any affiliate thereof.

30. The term “*Union*” means the National Division, and every *subordinate body*, unless explicit distinction is made.

31. The term “*Union bulletin board*” means any bulletin board to which the National Division, General Committee of Adjustment, State Legislative Board, or Local Division has access for the purpose of posting information concerning the business and/or activities of the Union and includes bulletin boards at the office of the Union as well as bulletin boards located on employer premises.

32. The term “*Union-financed publication*” means the National Division website and the following National Division publications: the *Locomotive Engineers & Trainmen News*; and the *Locomotive Engineers & Trainmen Journal*. The term also means any publication, communication or website financed directly or indirectly by the Union, including any BLET subordinate body.

ARTICLE I ROLE AND AUTHORITY OF NATIONAL SECRETARY- TREASURER

Pursuant to NDR Section 48 and the Advisory Board’s resolution of May 3, 2017, the National Secretary-Treasurer has the authority to supervise all phases of the National Election in accordance with the BLET Bylaws, the IBT Constitution, and applicable federal law. The National Secretary-Treasurer, together with the AAA, is authorized and obligated to certify election results.

The National Secretary-Treasurer shall enforce these *Rules* subject to appeal to the Advisory Board and shall take all necessary actions, consistent with these *Rules*, to ensure a fair, honest, open and informed election. The National Secretary-Treasurer may delegate any of his duties and functions to an Election Officer, as may be necessary and appropriate to conduct and conclude the election process. The Election Officer, if one is used, shall at all times perform his or her functions under the direction and supervision of the National Secretary-Treasurer.

The National Secretary-Treasurer, and his designees and representatives, shall at all times discharge their duties and responsibilities faithfully and impartially.

ARTICLE II NOMINATION AND ELECTION OF NATIONAL DIVISION OFFICERS

1. Nomination of Candidates for National Division Office

Candidates for National Division office shall be nominated by Delegates at the National Convention. Each BLET member who desires to be nominated for National Division office shall declare his or her intentions in writing to the National Secretary-Treasurer no later than 5:00 p.m. PDT on October 2, 2018.

A nominee may not accept nomination for two (2) or more offices which cannot be held simultaneously. In the event he is nominated for more than one (1) office, he must select the office for which he wishes to stand as a candidate if the offices for which he is nominated cannot be held simultaneously. Trustees may simultaneously hold the offices of Alternate National Secretary-Treasurer, Alternate Vice President and National Legislative Representative, and Alternate Vice President, and vice versa.

2. Eligibility for Accredited Candidate Status and Receipt of Petitions

Any active member in good standing who desires to be nominated for office must obtain signatures on petitions from Local Divisions representing five percent (5%) of the membership and/or from Delegates representing five percent (5%) of the membership, and file the petitions with the National Secretary-Treasurer prior to the nominations. No petition(s) from a Local Division and/or its Delegate may be counted more than once for a specific candidate in satisfying the five percent (5%) requirement. The form of the petition used for this purpose will be only those issued by the National Secretary-Treasurer, consistent with NDR Section 48. Petitions from Local Divisions shall be signed by the President of the Local Division based on membership approval as a result of proper action at a Local Division meeting.

Members may sign petitions for more than one candidate for the same office; the signing of petitions for opposing candidates shall not invalidate the signature on any of the petitions signed. Once submitted, a petition may not be withdrawn.

3. Petition Signing by Delegates

A member who was duly elected as Delegate to the National Division in the 2015 Local Division Triennial Elections may sign candidate or slate petitions from the beginning of the process until the deadline for filing petitions, unless the member resigns as Delegate. Petitions signed prior to the death or resignation of a Delegate will remain valid, provided the member was the Delegate when the petition was signed. A member who was duly elected as First Alternate Delegate has no authority to sign petitions unless it can be shown that a duly elected Delegate from his/her division has died, or resigned in writing. At the time of the death or resignation, the First Alternate Delegate becomes the duly elected Delegate and may thereafter sign petitions. Similarly, unless there are two deaths and/or valid resignations from the Delegate and the First Alternate Delegate, the Second Alternate Delegate to the ND may not sign petitions. If the Delegate, the First Alternate Delegate, and

the Second Alternate Delegate all die or resign and a new Delegate is elected pursuant to Section 20(a) – Local Division Rules (“LDR”), he/she will have full rights to sign a petition from the time that he/she was duly elected.

This same rule applies if some other cause arises that prevents a Delegate or Alternate Delegate from serving as such.

4. Verification of Petitions by National Secretary-Treasurer

The National Secretary-Treasurer shall take whatever action is necessary to verify the validity and accuracy of petitions and insure that the petitions represent at least five percent (5%) of the total membership. The number of petition signatures required shall be available from the National Secretary-Treasurer on or about July 1, 2018. Such actions shall include checking petitions and voiding any signature or group of signatures where:

- (i) the signatory or circulator failed to sign and print his/her full name or to state his/her Local Division number;
- (ii) there are multiple signatures by the same signatory;
- (iii) there are forged signatures; or
- (iv) the circulator failed to list the name of the candidate or slate, Local Division number and office sought at the top of each form and to certify the accuracy and validity of the petition’s contents at the bottom of each form.

If the National Secretary-Treasurer finds a candidate or slate has submitted the requisite number of valid signatures on valid petitions, the National Secretary-Treasurer shall certify in writing that the candidate or slate is accredited. No candidate or slate shall be certified as accredited unless and until his/her petitions have been checked and verified by the National Secretary-Treasurer.

The National Secretary-Treasurer shall advise in writing the results of any petitions received, and the eligibility of any announced candidate or slate who submitted petitions, and further report to the Delegates the status of any petitions received, and the eligibility of any announced candidate or slate who submitted petitions.

Prior to Election Day, each candidate for National Division office shall have the right to inspect, but not copy, any other candidate’s petitions at the National Division headquarters prior to and including September 21, 2018, and on and after October 8, 2018, or at the site of the National Convention between September 24, 2018, and October 4, 2018, by appointment made with the National Secretary-Treasurer or his designee.

5. Order of Nominations; Nominating and Seconding Speeches

The order in which candidates shall be nominated at the Convention shall be as follows: National President, First Vice President, National Secretary-Treasurer, Vice President and National Legislative Representative, Vice President No. 1, Vice President No. 2, Vice President No. 3, Vice President No. 4, Vice President No. 5, Vice President No. 6, Vice President No. 7, Trustee No. 1, Trustee No. 2, Trustee No. 3; Alternate National Secretary-Treasurer, First Alternate Vice President and National Legislative Representative, Second Alternate Vice President and National Legislative Representative, and Alternate Vice Presidents in numerical order consistent with the above order, as provided in NDR Section 1(b). Each nominator and seconder shall be permitted no more than two (2) minutes to announce his or her nominated candidate and to provide any comments regarding the candidate he or she seeks to nominate.

6. Verification of Nomination Results

The National Secretary-Treasurer shall immediately verify in writing the nomination results after nominations have been held at the National Convention. Verification of the nomination of at least one (1) candidate for each and every National Division office shall be completed prior to the adjournment of the Convention. Should only one (1) nomination be made for any office, the presiding officer shall cast a ballot to elect the candidate by acclamation, pursuant to NDR Section 6(b).

7. Appeals of Eligibility Rulings to Run for National Division Office

An appeal of any ruling on a member’s eligibility to run for National Division office shall be governed by Article XXII, Section 5(a) of the IBT International Constitution, which states, in relevant part:

“Any member who desires to challenge a ruling on eligibility to run for office shall appeal, in writing, within forty-eight (48) hours after receipt of the ruling to the General President or his designee, who shall decide an appeal within seven (7)

days after receipt of the protest. The decision of the General President shall be appealable to the General Executive Board pursuant to the provisions of Article VI, Section 2 of the International Constitution.”

8. Conducting the Election

(a) **Method of Election.** The National Election shall be conducted by mail balloting by AAA, under the supervision of the National Secretary-Treasurer. Ballots shall be mailed on or about November 3, 2018, or on another date to be specified by the National Secretary-Treasurer and communicated in writing to all accredited candidates and other interested parties.

(b) **Date of Election.** The votes shall be counted on or about December 3, 2018 (the “Election Date”), or on another date to be specified by the National Secretary-Treasurer and communicated in writing to all accredited candidates and other interested parties. In no event shall the deadline for receipt of ballots to be counted be less than twenty-eight (28) days from the date of mailing of ballots.

(c) **Notice of Election.** The Notice of Election shall be prepared by the National Secretary-Treasurer. A ballot shall be enclosed with the Notice of Election. The Notice shall state the National Division offices subject to the election, the number of candidates to be elected to each office, and the date by which ballots must be received in order to be counted. The Notice shall provide a clear and complete explanation of the eligibility requirements for voting, including the date by which dues arrearages and/or initiation fees must be paid to the Local Division in order for members to be eligible to vote. The Notice shall also describe the procedures for voting and explain how members who do not receive a ballot can obtain a ballot or a duplicate ballot.

The Notice of Election will contain the following statements concerning potential sanctions:

“No person or entity shall limit or interfere with the right of each BLET ballot-qualified member to independently determine how to cast his/her vote and to cast and mail the ballot himself/herself. The BLET shall not hesitate to impose the most severe sanctions for violation of the prohibition against solicitation of a ballot-qualified member’s ballot by any other Union member, officer, steward or other person, including, but not limited to, recommending appropriate disciplinary proceedings against members involved, and, when appropriate, disqualifying the candidate on whose behalf ballots were solicited.”

The Notice of Election shall be mailed to the appropriate ballot-qualified members at their respective addresses of record, and it also shall be posted on the National Division website and published in the November 2018 issue of the *Locomotive Engineers & Trainmen News*. Mailings shall be done by first class mail. The Notice shall be included in the mail ballot package mailed by the AAA to each ballot-qualified member at his/her address of record. The Notice shall also be distributed to the Chairmen of all General Committees of Adjustment and State Legislative Boards, and Presidents of all Local Divisions, on or before thirty (30) days prior to the deadline for receipt of ballots to be counted, with instructions to post and maintain the Notice on their bulletin boards until such deadline has passed. The Notice shall inform BLET members who have recently had a change in address of the method for reporting the change in time to receive a ballot at his/her new address.

The National Secretary-Treasurer may provide, or require any subordinate body to provide, such further or additional notice of election as may be deemed appropriate to fully inform all Union members of the election.

(d) Printing and Handling of Ballots

(i) The National Secretary-Treasurer shall have the authority to designate a standard type of mechanical ballot counting device and to print ballots for the election of National Division Officers which can be counted using this device.

(ii) All ballots shall be identified as the “Official Ballot for Election of National Division Officers” and shall be printed in a legible manner, with headings printed in bold face. Ballots and return ballot envelopes shall contain encodings or other markings to prevent forged or otherwise fraudulent ballots from being used, voted or counted.

(iii) Ballots shall state the offices to be elected and the number of candidates to be elected for each office, and shall instruct the voter to vote for no more than that number of candidates.

Candidates shall be identified on the ballot only by name. Where a similarity in names

may cause confusion, appropriate additional identification shall be added.

Full slates shall appear on the ballot first, and partial slates shall appear second, and then individual candidates. Full and partial slates shall appear on the ballot in alphabetical order, based on the declared name of the slate. The placement of candidate names on the ballot shall be alphabetical by last name for each office to be elected. The ballot shall contain the names of all accredited candidates who are nominated at the National Division Convention, including those candidates who are unopposed in the election.

(iv) The ballots shall be printed under the direct supervision and control of the National Secretary-Treasurer and the AAA at one site in the United States.

(v) The person or entity printing the ballots shall certify the number printed. The AAA shall maintain custody of the ballots prior to the election. Ballot security shall be maintained throughout the election process.

(e) Mailing of Ballots. The National Secretary-Treasurer shall supervise the AAA's handling of all aspects of the assembly, mailing and receipt of the mail ballot package. The mail ballot package shall be mailed from a single location in the United States to all ballot-qualified members at their addresses of record. Each mail ballot package shall contain the Notice of Election, a ballot, a secret ballot envelope, a self-addressed and stamped return envelope pre-labeled by the AAA with the ballot qualified member's name and address and other data sufficient to identify and distinguish the ballot qualified member, and instructions regarding the procedure for mail ballot voting.

All ballots must be received at the designated mailing address by 10:00 a.m. Eastern Standard Time on Election Day in order to be considered for counting in the election. Ballots received after that time will not be counted.

Observers shall be permitted to inspect the list of ballot-qualified members to whom ballots are being sent. Should any observer claim that a member eligible to receive a ballot has been omitted from the list, such person shall be sent a ballot. If such ballot is cast, it shall be treated as a challenged ballot.

(f) Casting of Votes. Ballots shall be cast by placing the ballot in the secret ballot envelope (without making any mark on that envelope), placing the secret ballot envelope in the stamped return envelope, and then depositing the return envelope in the mail. If the pre-affixed label on the return envelope is missing, the ballot-qualified member must write his/her name, address, and Local Division Number in the upper left-hand corner of the return envelope.

Any ballot cast without proper identification on the return envelope or received after the deadline for receipt of ballots shall be void.

(g) Receipt of Ballots. The AAA shall rent a post office box for the return of the ballots and shall also rent a post office box for receipt of mail ballot packages returned by postal authorities as undeliverable, and shall make all reasonable efforts to verify and correct addresses and remail the ballot packages. At the request of AAA, the National Secretary-Treasurer will review all incorrect addresses and shall make all reasonable efforts to verify and correct addresses and notify the AAA accordingly.

Any ballot-qualified member not receiving a ballot should contact the AAA immediately if he/she wishes to receive a ballot. Any ballot-qualified member who spoils or loses a ballot should contact the AAA immediately if he/she wishes to obtain a replacement ballot. The AAA shall promptly send such person a mail ballot package, regardless of any question(s) concerning the individual's eligibility to vote.

Any replacement ballot cast by (1) a ballot-qualified member who has not received a ballot and no ballot has been returned as undeliverable for that member, or (2) a ballot-qualified member who requests a replacement ballot after spoiling or losing his/her ballot, shall be treated as a challenged ballot.

(h) Verification of Voter Eligibility. Prior to commencement of the ballot count, and under the direct supervision and control of the AAA, the eligibility to vote of each person casting a ballot shall be verified. (See Article III below). Challenges by a candidate or observer to any ruling on eligibility shall be made in writing, and shall be resolved by the Election Protest Committee as provided below.

(i) Ballot Counting. All ballots shall be counted under the direct supervision and control of the AAA. All challenged ballots shall be segregated. Challenges without merit shall not be entertained by the Election Protest Committee, which shall be present during the counting of ballots. The Election Protest Committee shall have the authority to declare meritless any chal-

lenge not supported by documentary evidence. Where more than one (1) mail ballot is received from a ballot-qualified member, the ballot with the latest postmark shall be counted and the other(s) voided. Where it is not possible to determine the latest postmark, such ballot shall be voided.

Voting for more than one candidate for a particular office will invalidate the vote for that office only.

No sticker, write-in or proxy votes shall be permitted.

All unchallenged ballots shall be counted first. If the challenged ballots may not affect the outcome of the election for any office, such ballots shall not be counted. If the challenged ballots may affect the outcome of an election for any office, they shall be divided into groups as determined by the Election Protest Committee in a manner such that the secrecy of ballots is not undermined. Challenges so divided shall then be resolved by groups in succession. Challenged ballots from each group resolved in favor of eligibility shall be counted until such time as the challenged ballots remaining no longer may affect the outcome of the election for any office, at which point the count pertaining to that office shall cease and remaining challenges shall not be resolved. After the count is completed, the AAA and National Secretary-Treasurer shall determine and certify the total votes cast for each candidate and announce such election results.

(j) Observers. Each candidate for National Division Office, and/or his/her designee, may observe the process for election of National Division Officers in accordance with NDR Section 48 and Articles VII and IX of these Rules.

(k) Retention of Ballots. All ballots, including those that are challenged, voided, spoiled or unused, all ballot envelopes and copies of all tally sheets, and voter/membership rosters shall be preserved for one (1) year after the count.

(l) Prohibition on Interference with Voting. No person or entity shall limit or interfere with the right of any BLET ballot-qualified member to vote, including, but not necessarily limited to, the right to determine independently how to cast his/her vote, the right to mark his/her ballot in secret and the right to mail the ballot himself/herself. No person or entity may encourage or require a BLET member to mark his/her ballot in the presence of another person or to give his/her ballot to any person or entity for marking or mailing.

Any violation of this subsection may result in disqualification of a candidate who benefits from the violation.

The instructions for balloting included in ballot packages shall contain these prohibitions and shall urge members to vote and return their ballots promptly.

ARTICLE III ELIGIBILITY TO VOTE IN NATIONAL ELECTION

1. Rules for Determining Voter Eligibility

To be eligible to vote in the election for National Division Officers, a member must have his/her dues paid up through the month prior to the month in which the election is held. No member whose dues have been withheld by his/her employer for payment to the General Committee of Adjustment pursuant to his/her voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote by reason of a delay or default in the payment of dues by the employer to the General Committee of Adjustment, provided the condition in Subsection 1(b) below is met. Persons eligible to vote under this rule shall include the following:

(a) each person who is otherwise a member in good standing and whose dues are paid through the month prior to the month in which ballots are counted; and

(b) under and in accordance with Article X, Section 5(c), of the IBT Constitution, each member otherwise in good standing whose dues record does not reflect that his/her dues have been paid through the month prior to the month in which ballots are counted, who pays his/her dues by check-off, and whose employer has remitted dues for him/her in the last remittance made by such employer, provided that such remittance was received within ninety (90) days of the date on which the ballots are counted (i.e., on or after September 4, 2018).

2. Verification of Voter Eligibility

The National Secretary-Treasurer will supervise and direct the preparation of Election Control Rosters for all ballot counts and deliver them to the appropriate AAA representative. The Roster shall contain the names of all BLET members and clearly distinguish between those who are

and those who are not eligible to vote. Prior to the commencement of any count of ballots, the eligibility to vote of each member who cast a ballot shall be verified. Consistent with the procedures and requirements set forth in the BLET Bylaws for remittance of dues, a member whose dues are paid up through October 2018 is eligible to vote in the election. For purposes of Article III, Section 1(b) above, each member otherwise in good standing who pays his/her dues by check-off, but whose dues record does not reflect that his/her dues have been paid through October 2018, is also eligible to vote in the election, provided that his/her employer has remitted dues for him/her on or after September 4, 2018, which is within ninety (90) days of the date on which the ballots will be counted.

The National Secretary-Treasurer, any member of the Election Protest Committee, any AAA representative engaged in the election counting process, or any candidate or observer present may challenge the eligibility of any member to vote. Subject to the authority of the Election Protest Committee to not entertain challenges without merit, the ballot of the member whose eligibility to vote is challenged shall be so marked by noting on the outside of the return ballot envelope the reason(s) for the challenge. An Election Control Roster notation that a member's ballot should be challenged is binding until resolved by the Election Protest Committee. The Election Protest Committee shall resolve all outcome determinative challenges. Decisions rendered by the Election Protest Committee pursuant to this paragraph are subject to appeal to the Advisory Board in accordance with Article X, Section 3(f).

ARTICLE IV ELIGIBILITY REQUIREMENTS FOR NATIONAL DIVISION OFFICE

1. Eligibility to Run

(a) To be eligible to run for any National Division Officer position, a member must:

(i) be in continuous good standing, with dues paid for a period of twenty-four (24) consecutive months prior to the month of nomination for said position and meets the conditions set forth in the Note to NDR Section 1;

(ii) be employed in an operating craft on surface, subway, elevated lines, in steel plants or other industries, or holding seniority in such service, for a period of twenty-four (24) consecutive months prior to the month of nomination; and

(iii) be eligible to hold office if elected.

(b) A member who relinquishes his/her seniority to accept a Railroad Retirement age and service annuity is not eligible to be nominated or run for office in the BLET. A member who has relinquished his/her right to exercise his/her seniority pursuant to settlement of a Federal Employers' Liability Act or any other legal or contract claim is not eligible to be nominated or run for office in the BLET. No member who is promoted to an official position on a railroad, elevated railroad, subway, in steel plant or other industries shall serve in any capacity under or for the BLET, and is therefore ineligible to run for National Division Office.

(c) Except as provided in Section 1(e) below, the requirements of Section 1(a)(ii) above may be excused or modified in the case of any officer, employee or member on leave of absence granted with the approval of the National Division or General Committee of Adjustment on a nondiscriminatory basis, so long as the officer, employee or member has returned to employment in an operating craft prior to nominations.

(d) A member eligible for an exemption from dues and assessments pursuant to NDR Section 29(h)(2) by virtue of serving in the armed forces of the United States shall be governed by Article II, Section 4(a) of the IBT Constitution.

(e) A member who otherwise is eligible for an exemption from dues and assessments pursuant to NDR Section 29(h), but instead makes payment of dues — including payment of dues at the non-working rate, pursuant to NDR Sections 29(h)(6) or 29(h)(7) — for the 24-month period prior to the month of nomination for said position is deemed to have complied with Section 1(a)(i), provided the member meets the conditions set forth in the Note to NDR Section 1.

(f) All officers and full-time employees of the National Division and of any affiliate (excepting licensed professional personnel employed as such) who are members in good standing of the BLET shall be considered as meeting the requirement of working at the craft within the jurisdiction for the purpose of retaining active membership and of being ruled eligible for election to office.

2. No Meeting Attendance Requirements

Neither the National Division nor a Local Division may enforce any meeting attendance requirement as a condition for establishing one's eligibility to run for any National Division Officer position.

3. Review of Eligibility

It is strongly recommended that each candidate for any National Division Officer position request that the National Secretary-Treasurer verify his/her eligibility for the position in question sufficiently in advance of nomination so as to permit verification prior to the date of nomination. Such request shall be made to the National Secretary-Treasurer in writing, and the National Secretary-Treasurer shall issue a report on eligibility, in writing, within ten (10) days of such request.

ARTICLE V CAMPAIGNING AND ACCESS

1. Use of Membership Lists

Each candidate has the right, once within thirty (30) days prior to the casting of ballots in any election in which he/she is a candidate, to inspect a list containing the last known names, home addresses, and email addresses of all members of the Union who are eligible to participate in such election, insofar as such information is maintained by the Union. The right of inspection does not include the right to copy the list but does include the right to compare it with a candidate's own personal list containing such information. However, if the Union permits any candidate to copy the list, all candidates must be notified of this and provided the same opportunity. The Union shall not, in any way, discriminate in favor of or against any candidate with respect to access or use of the membership list. No membership list may be used for any purpose other than advancing a candidate's campaign for nomination and/or election.

2. Membership Meetings

(a) The following rules shall govern candidate access to membership meetings:

(i) No candidate may be denied access to any meeting of the General Committee of Adjustment or State Legislative Board to which he or she is a Delegate, or a Local Division to which he/she belongs as a member; provided however, that the General Committee of Adjustment, State Legislative Board, or Local Division need not grant such candidate the opportunity to address the meeting for the purpose of campaigning and may not do so, except as provided in subsection (a)(iii) below.

(ii) Those candidates who are not Delegates of a General Committee of Adjustment, or State Legislative Board, or who are not members of a Local Division need not be granted access to any meetings of said General Committee of Adjustment, State Legislative Board, or Local Division, unless another non-Delegate or non-member candidate is granted such access. No candidate, whether a member or not, is permitted to address the General Committee of Adjustment, State Legislative Board, or Local Division meeting for the purpose of campaigning, except as provided in subsection (a)(iii) below.

(iii) No BLET body is required to allot time for campaigning during any of its meetings. However, if campaigning during such meetings is permitted, the body shall notify all candidates for the positions for which such campaigning will be permitted of the opportunity to speak at least five (5) days prior to the meeting and shall divide the time equally between those candidates (or candidates' credentialed representatives) who request an opportunity to speak. The order of appearance shall be determined by lot.

(iv) No BLET body shall discriminate or permit discrimination in favor of or against any candidate in conjunction with its meetings or otherwise. This requirement shall apply not only to formal presentations by or on behalf of candidates but also to informal campaign activities, such as, for example, comments on candidates during meetings, literature distribution at and in/or around meetings, literature distribution tables, etc.

(v) Campaign activities will not be permitted at any meeting sponsored by the National Division, such as National Division Conventions and the regional meetings held pursuant to NDR Section 49.

(b) Each candidate for National Division office has the right to request from a General Committee of Adjustment, State Legislative Board, or

Local Division a list of the dates, times and places of its regularly scheduled general or special membership meeting(s), except meetings for limited purposes such as voting on contracts or strikes, handling of grievances, etc. Such request shall be made in writing to the General Committee of Adjustment, State Legislative Board, or Local Division Secretary-Treasurer or President and shall be responded to within five (5) days.

3. Candidate Literature and Mailings

(a) The following rules shall govern the publication and distribution of candidate literature:

(i) All candidates shall be afforded a reasonable opportunity to have campaign literature distributed by the Union, at the candidate's expense, provided the expense is paid to the Union in advance. This means: (a) each candidate is entitled to a reasonable number of mailings, via USPS or email, whether or not any other candidate makes such request(s); (b) when the Union authorizes distribution of campaign literature on behalf of any candidate, similar distribution under the same conditions and costs shall be made for any other candidate, if requested; and (c) the Union will not distribute campaign literature for any candidate who is not able and willing to pay for the reasonable costs of such distribution, and/or who does not demonstrate in a Supplemental CCER, if determined to be necessary by the National Secretary-Treasurer, that such payment will be made with money received from permissible contributions.

(ii) The Union will not distribute campaign literature to less than all ballot-qualified members.

(iii) The Union shall honor reasonable requests for distribution of hard-copy literature by any lawful class or type of mail or postage, including, to the extent permitted by postal regulations, utilization of any nonprofit organization bulk-rate permit of the National Division or any other subordinate body of the Union. All literature distributed through use of the nonprofit organization bulk-rate permit shall clearly state that it is campaign literature, the contents of which are not endorsed by the Union.

(iv) The Union shall honor reasonable requests from candidates for lists of members' email addresses maintained in the Union's membership database, provided the requestor assures the Union in writing that the sole purpose for the request is to communicate with the members on election-related matters. Because the list of e-mail addresses maintained by the Union is under-inclusive (in that it does not include e-mail addresses for every member of the Union), the Union shall so advise the requesting candidate. Campaign literature distributed through e-mail shall clearly state that it is campaign literature, the contents of which are not endorsed by the Union.

(b) Any request for distribution of literature shall be made by the candidate to the National Secretary-Treasurer in writing, identifying a contact person for purposes of communicating regarding the candidate's or slate's distribution of literature, including the contact's residence address, residence telephone, cell phone, and email address. The request shall specify the class or type of mail or postage desired. The request shall be accompanied by at least one (1) copy of the literature or a compact disk or thumb/flash drive containing the literature in a pdf format (if the candidate wishes it to be duplicated by the Union), or by a number of copies sufficient for distribution to the entire membership (if the candidate duplicates the literature), or by a number of sealed envelopes, containing the literature, sufficient for distribution (if the candidate duplicates the literature and stuffs the envelopes). The written request also shall specify the desired mailing date for the distribution of literature, which shall not be less than ten (10) days from the date of receipt of the written request by the National Secretary-Treasurer. The National Secretary-Treasurer will issue a written acknowledgment of receipt to the designated contact person and also will notify the designated commercial printing/ mailing service of the requested date; however, neither the National Secretary-Treasurer nor the designated commercial printing/ mailing service shall guarantee that any mailing will occur on the requesting party's desired mailing date. Written requests for distribution of campaign literature that do not conform to the requirements of this paragraph will not be processed and will be returned to the requesting party.

(c) If requests for distribution of campaign literature in hard copy are made, and the candidate does not ask the National Division to dupli-

cate the campaign literature for mailing, sufficient quantities of the literature must be provided for all ballot-qualified members, which totals approximately 38,100. The copies may be any size.

(d) Each candidate shall pay, on a reasonable basis, for the actual cost of reproduction and distribution, including paper, envelopes, duplication, time required to do the work and postage for hard-copy mailing. The National Secretary-Treasurer may formulate supplemental rules for the processing of all requests for distribution of literature that will minimize any interference with day-to-day operations of the Union.

(e) In complying with requests to mail hard-copy literature, the Union shall use the addresses of record for all members in good standing. Mailing labels or an electronic file will be prepared through the least expensive system available to the Union, and then delivered to the designated commercial printing/ mailing service.

(f) The Union shall exercise all reasonable efforts to ensure that each candidate's campaign literature is processed and distributed in a complete and prompt manner. The National Secretary-Treasurer shall notify the requesting party's contact person, by email or other means, of the date and time that the requesting party's literature will be duplicated (if requested), and otherwise processed by the designated commercial printing/ mailing service, as well as the name, address and contact person for said service, so that an observer of the candidate or slate may be available to witness the distribution process, as provided in Article VII, Section 2.

(g) The Union may not censor, regulate, alter or inspect the contents of any candidate's campaign literature and may not refuse to process or distribute any such literature on the basis of its contents.

(h) The Union shall designate a commercial printing/ mailing service for the National Election to process and distribute candidate literature, consistent with paragraph (b) of this section. The contact person for such vendor shall provide any requesting party with a good faith estimate of the cost for the entire mailing, including, as applicable projected costs for copying, processing, postage, labor, and supplies, and that amount shall be paid to the vendor by the requesting party prior to final processing of the request. Any additional charges by the vendor that are not covered by the deposit will be charged solely to the requesting party, and cannot be paid by the Union. Any deposited sums remaining after all processing and postage costs will be returned to the requesting party by the vendor. The vendor may not discriminate for or against any candidate or slate, and will handle all requests on a "first-come-first-served" basis to the extent practicable.

(i) Should the Union adopt any supplemental procedures needed to respond efficiently to any candidate or slate request for distribution of literature, it shall specifically advise all candidates and slates.

4. Union-Financed Publications

(a) No publication or communication financed, directly or indirectly, by the Union or any affiliate (including any social media site) may be used to publish campaign-related editorials, articles, photos, or other related material, or paid campaign advertising that support or attack any candidate or the candidacy of any person during the election period, except as specifically provided in this Article.

(b) Pursuant to Article X of these Rules, any complaint regarding the use of a Union-financed newspaper or other publication or communication shall be directed to the Election Protest Committee, in writing, with a copy of the publication enclosed, within five (5) business days after the publication is received by the complaining party.

5. Subordinate Body Publications

Subordinate bodies are not required to reserve any space in any of their newspapers, magazines, publications or other written communications to members, or to the Union for the purpose of campaigning, except:

(a) if any BLET subordinate body allows any candidate or slate (at the candidate's or slate's expense) to publish campaign material in its newsletters, magazines, publications or other written communications, the subordinate body must notify all other candidates and slates, and the National Secretary-Treasurer, in writing of this availability and provide them the same opportunity on an equal basis; or

(b) if, from July 1, 2017 through June 30, 2018, the subordinate body has accepted paid advertising for any of its newsletters, magazines, publications or other written commu-

nications to members or to the Union, any candidate or slate shall be permitted to pay for and place his/her/its campaign material in such publication at the same cost and under the same guidelines available to other advertisers, on a non-discriminatory basis.

In the application of the above two exceptions, and consistent with the prohibitions stated in Subpart 4 of this Article, subordinate body publications may not use such publications themselves to support or attack any candidate or candidacy of any person or slate. However, campaign material that is paid entirely by the candidate or any slate will be permissible in a subordinate body publication provided that the subordinate body complies with the requirements set forth above in Subparts 5(a) and 5(b).

6. Internet Campaigning

Pursuant to the authority of the National Secretary-Treasurer to distribute materials about the election, each accredited candidate or slate has the right to have campaign literature and/or websites accessible via a prominent link on the BLET website that reads "2018 Election Campaign Literature." Any candidate or slate desiring such access shall notify the National Secretary-Treasurer in writing. The National Secretary-Treasurer shall have the authority to limit the use of such link, consistent with these Rules, to ensure a fair, honest, open and informed election.

7. Freedom to Exercise Political Rights

(a) All Union members retain the right to participate in campaign activities, including the right to run for office, to support or oppose any candidate or slate, to aid or campaign for any candidate or slate, and to make personal campaign contributions. This includes, but is not limited to, the right to distribute campaign literature (and otherwise to solicit support for a member's candidacy) outside a meeting hall before, during and after a Union meeting. This Rule supersedes any contrary Union policy, rule or practice.

No candidate or member may campaign during normal business hours, or during his/her working hours, if different. Campaigning incidental to work does not violate this section. Neither does campaigning during paid vacation, paid lunch hours or breaks, or similar paid time off.

(b) All Union officers and employees, if members, retain the right to participate in campaign activities, including the right to run for office, to support or oppose any candidate or slate openly, to aid or campaign for any candidate or slate, and to make personal campaign contributions. However, such campaigning must not involve the expenditure of Union funds. An endorsement of a candidate or slate may be made by a Union officer or employee, but solely in his/her individual capacity, and must state in any publication of such an endorsement that the endorser's office or position is listed "for identification purposes only." The Union, a General Committee of Adjustment, a State Legislative Board, or a Local Division as such, or the Advisory Board or any Board of any such entity, may not endorse or otherwise advance a candidacy, even if all members agree on the endorsement or candidacy.

ARTICLE VI SLATES

1. Formation

(a) Each candidate shall have the right in conformity with this Article to declare his or her candidacy, seek nomination, be nominated, campaign and appear on the ballot for any National Division Officer position as a member of a slate of candidates, regardless of whether the slate is full or partial. No candidate shall be compelled to run as a member of a slate, nor shall any candidate be permitted to run on more than one slate.

(b) To form a slate, there shall be mutual consent between and among all candidates running on the slate. Such mutual consent shall be evidenced by the signing of a declaration by all members of the slate, giving the position being sought by each candidate and the name of the slate to be formed. Slate declaration forms will be made available by the National Secretary-Treasurer. Signed forms for the nominations and election shall be submitted to the National Secretary-Treasurer, and the filing of such forms shall fulfill the requirements of Article II, Section 1 of these Rules. Amended declarations may be submitted adding additional candidates, provided that the deadlines specified in Subsection (c) below are met.

(c) Slate declarations shall be filed at the earliest possible date but in no event later than 5:00 p.m. PDT on October 2, 2018. The slate declaration shall include the designation of

a treasurer for the slate. The slate treasurer must be a member of the Union, but need not be a candidate.

2. Limitations

(a) Once a candidate declares his/her intent to run as a member of a slate, he/she may not retract such declaration unless all members of the slate agree.

(b) The number of candidates on a slate shall not exceed the number of positions open for election.

ARTICLE VII OBSERVERS

1. General Rules

(a) Each candidate or slate appearing on the ballot shall have the right, at his/her/its expense, to designate at least one (1) observer to be present at each and every phase of the election process, as explained in further detail below. Such designation shall be submitted to the National Secretary-Treasurer in writing. Such observer shall be a candidate or a member in good standing of the BLET.

(b) The National Secretary-Treasurer may limit the number of observers otherwise permitted for each candidate where security, space limitations or other considerations so require. All candidates shall be treated without discrimination.

(c) The National Secretary-Treasurer shall provide reasonable notice to all candidates and slates of the dates, times and places of all events or activities which candidates may have the right to observe.

(d) Time spent observing shall be considered as time spent on Union business. Therefore, upon written request of any observer, the appropriate Union officer shall so certify to such observer's employer. No observer shall use this privilege for the purpose of campaigning.

2. Processing and Distribution of Candidate Literature

Observers shall be permitted to observe the National Division's processing and distribution of campaign literature for his/her candidate. This shall include the opportunity to observe the duplication of the literature, the stuffing of the envelopes, the placement of the mailing labels or the members' names and addresses, and the postage on the envelopes. Should an observer claim that a member's address is incorrect or that a member eligible to receive a ballot has been omitted from the mailing, such address shall be corrected and/or the member included in the mailing. Observers shall be permitted to accompany and observe any delivery of the literature to a mailing service and/or the delivery of the literature to the post office.

3. Printing and Pre-Election Handling of Ballots

Observers shall be permitted to inspect the ballot prototype prior to printing and the printer's certification of the number of ballots printed.

4. Mail Ballots

Observers shall be permitted to observe the entire mailing process. Observers shall be permitted to accompany the ballots to the post office and to observe their mailing.

Observers shall be permitted to be present at the time(s) when those ballots returned as undelivered are picked up from the prescribed post office box and when the envelopes containing those ballots are inspected and counted. Observers shall further be permitted to be present when the cast ballots are picked up from the post office box and to accompany the transfer of such ballots to the location where they are to be counted. Notice shall be given to all affected candidates of the times of such mail ballot pick-ups.

5. Observation of Election Count

Observers shall be permitted to be present at the vote counting location and to observe the election count. Observers may challenge the eligibility of any voter to vote.

Observers shall not interfere with the AAA or the AAA's representatives in the performance of their duties.

The right to observe includes the right to inspect the opening and set up of the counting machine(s), if any, before the count of the ballots commences, to observe the verification of the eligibility of members who have cast ballots, the determination of eligibility of those members whose right to vote is challenged, the opening of the return ballot envelopes, the count of the votes, and the recording of the final vote count and the counting of the unused, voided and spoiled ballots. Observers shall be permitted to remain with the ballots from the time the count commences until

the ballots are counted, including overnight if necessary (at the observer's own expense).

ARTICLE VIII CAMPAIGN CONTRIBUTIONS AND DISCLOSURE

1. Campaign Contributions

(a) Article IV, Section 4 of the IBT Constitution, as amended, provides:

"No candidate for election shall accept or use any contributions or other things of value received from any employers, representative of an employer, foundation trust or any similar entity. Nothing herein shall be interpreted to prohibit receipt of contributions from fellow employees and members of this Union. Violation of this provision shall be grounds for removal from office."

The above provision is hereby made a part of these *Rules*. However, the foregoing provision does not relieve candidates and contributors of any obligations or prohibitions under the Labor-Management Reporting & Disclosure Act of 1959, as amended ("LMRDA").

(b) Permitted Contributions

(i) Only contributions which are properly solicited, made, accepted and reported under these *Rules* may be expended or used by candidates or slates for the National Election. Contributions received in the sum of twenty-five dollars (\$25.00) or less are considered *de minimis* under these *Rules*, and need not be reported by any candidate or slate. However, numerous small contributions from the same contributor which in the aggregate exceed \$25.00 may not be used to avoid coverage of this Rule.

(ii) Candidates and slates may accept contributions made by any member, provided that the contribution comes solely from the member as an individual, and not from a person or entity that is prohibited from making campaign contributions under these *Rules*, and provided further that the member has not reached the contribution limits set forth below.

(iii) A candidate may contribute: up to \$5,000, in total, to his or her campaign (not including legal and accounting contributions); up to \$1,000 to other individual candidates; and up to \$5,000 to a slate or a combination of slates; BUT in no case shall a candidate contribute more than \$10,000, in total, for use in the Election (not including legal and accounting contributions).

(iv) A member who is not a candidate for National Division Office may contribute up to \$1,000, in total, for use in the National Election (not including legal and accounting contributions). This total may be split amongst separate contributions to multiple candidates.

(v) Candidates and slates may accept contributions made by any caucus or group of Union members, slate, independent committee, or campaign organization of any candidate or slate, provided:

A. such caucus, group of Union members, slate, independent committee, or campaign organization is itself financed exclusively from contributions which are permitted and properly reported under these *Rules*;

B. contributions under this subsection from any caucus or group of Union members, independent committee, or campaign organization of any candidate or slate do not exceed the sum of \$1,000 for any individual candidate, or exceed the sum of \$5,000 for any slate of candidates; and

C. such entity does not contribute more than \$10,000, in total, for use in the National Division Officers election (not including legal and accounting contributions).

If a caucus or group of Union members (including an independent committee under the *Rules*) receives contributions or funding from sources prohibited under the *Rules*, such as foundations or labor organizations, the caucus or group may still make campaign contributions if it: (1) properly allocates and segregates resources obtained from prohibited sources from those received from permissible sources under these *Rules*; and (2) uses only the resources obtained from permissible sources under these *Rules* for campaign activities.

(vi) Any contributions a candidate receives from someone in the candidate's family who is not a BLET member shall count toward the candidate's contribution limits, as if the candidate himself or herself made the contribution. Such contributions also will count to-

ward the member's contribution limits.

(vii) Campaign contributions deposited into an individual candidate's campaign account, upon such deposit, become the funds of that individual candidate and may be used in any manner permissible under these *Rules*. Thus, that individual candidate may, if he or she so wishes, give or transfer funds held in his or her individual campaign account to any slate campaign account, provided that the total amount given or transferred by that individual candidate does not exceed the contribution limits set forth above, and provided further that such individual candidate properly reports the contribution on all appropriate Campaign Contribution and Expenditure Reports and related forms.

(viii) Candidates or slates may accept the donation of services by an individual who is not an employer, provided such services are rendered on the individual's personal free time without compensation in any form by an employer or labor organization and without accompanying contributions of supplies or of services of others who are compensated by an employer or labor organization for such services.

(ix) Members and candidates may use frequent flyer miles or other rewards program points to obtain items or services to contribute to candidates and/or slates, provided that these in-kind contributions are reported at the fair market value of the item or service. Such value may be determined at the time the item or service is purchased by the contributor, or at the time it is received or used by the candidate or slate, or at any time in between. Documentation of such value must be provided by the donor to the recipient candidate or slate. The fact that the miles/points were obtained for free is not relevant; neither is the number of points that had to be redeemed to acquire the item/service. If a member pays more for something than the candidate could have paid had he obtained it on his own, the contribution still is valued at what the member actually paid for it; for purposes of in-kind contribution reporting, that is its fair market value. For example:

If a member redeems rewards program points to purchase a hotel room/suite for one day that otherwise costs \$1,000, and provides the use of that room/suite to a candidate, the value that must be reported is what the member would have had to pay for the room/suite had he not used rewards program points; so the contribution would be valued at \$1,000. If the same room/suite could be rented for less than \$1,000, but it still cost rewards program points to purchase it, the value of the contribution would be the lower amount (i.e., less than \$1,000) because that is what the member actually would have paid had he used money to purchase it for the candidate. In most cases, the "rack rate" is not the determining factor; rather, the actual price that the hotel would have charged governs. The "rack rate" will only be the presumed value if the candidate is unable to establish that a lower rate was available.

If an individual member is "comped" a room/suite by a hotel, without the use of points, and uses it for campaign purposes, the same analysis would apply — the candidate would have to report it as an in-kind contribution at its fair market value. If the room/suite is "comped" to a candidate because of the candidacy, the contribution is barred because it would be a contribution from the hotel itself, regardless of whether the recipient is a supporter of the candidate or the candidate himself. If the room is "comped" to a candidate, but not because of his candidacy, and is used for campaign purposes, it is not a reportable contribution from the hotel, an employer, but is reportable as an in-kind contribution by the candidate at its fair market value.

(x) Candidates and slates are strictly liable to insure that each contribution received is permitted under these *Rules*. It is the responsibility of each candidate, slate, caucus, member group, independent committee and campaign organization to make certain that all contributions, whether in cash or by check, are made only by members. Contributions shall not be deposited or used until the membership status of the contributor is confirmed, though contributions from persons whose eligibility has not been verified may be deposited into an escrow account established for this purpose. The National Secretary-Treasurer's office shall, upon request, promptly respond to questions as to membership based on National Division records.

(c) Prohibited Contributions and Conduct

(i) No employer (or association of employers) may contribute, or shall be permitted to contribute, directly or indirectly, anything of value, where the purpose, object or foreseeable effect of the contribution is to influence, positively or negatively, the election of a candidate or slate. No candidate or slate may accept or use any such contribution. These prohibitions are not limited to vendors that have or seek to have contracts with the Union; they extend to every employer, regardless of the nature of the business and include, but are not limited to, any political action organization that employs any staff, any nonprofit organization, such as a church or civic group that employs any staff, and any law firm or professional organization that employs any staff. These prohibitions extend beyond strictly monetary contributions made by an employer and include contributions or use of employer supplies, stationery, equipment, facilities and personnel.

(ii) No interested employer (or association of employers of which an interested employer is a member), and no vendor that has performed work for the IBT or BLET or any one of its subordinate bodies within the preceding twelve (12) months may contribute, and no candidate or slate may accept, financial support or service to any candidate or slate, for any purpose whatsoever (including to pay fees for legal and accounting services).

(iii)

A. No labor organization, including but not limited to the IBT, the BLET National Division, General Committees of Adjustment, State Legislative Boards, or Local Divisions and all other subordinate Union bodies, whether or not also an employer, may contribute, or shall be permitted to contribute, directly or indirectly, anything of value, where the purpose, object or foreseeable effect of the contribution is to influence, positively or negatively, the election of a candidate or slate. No candidate or slate may accept or use any such contribution. These prohibitions extend beyond strictly monetary contributions made by a labor organization and include contributions and use of organization supplies, stationery, equipment, facilities and personnel.

There are two limited exceptions to this Rule: (1) Union funds, facilities, equipment, supplies, stationery, personnel, etc., may be used to assist in campaigns if the Union is compensated at fair market value for such assistance, and if all candidates and slates are provided with equal access to such assistance and are notified in advance, in writing, of the availability of such assistance. (2) Union officers and employees provided with Union-owned or leased cars, if otherwise afforded the right to utilize those cars for personal activities, may use the cars for campaign activities, provided no costs or expenses incurred as a consequence of such use are paid out of Union funds or other prohibited sources

B. The use of the Union's official stationery with the Union's name, insignia or other mark identifying the Union is prohibited, irrespective of compensation or access. Candidates and slates are authorized to reproduce and use the trade names "Brotherhood of Locomotive Engineers and Trainmen" and "BLET" in their slate names and/or campaign material, as well as the BLET's official marks, labels and other insignia, including the Union's logo, provided that: (a) such candidate or slate confirms in writing that its temporary, nontransferable, and limited use of any of the above is solely for purposes of the National Election, and otherwise complies with NDR Sections 40(a) and 40(b); and (b) such use does not bring reproach upon the Union, its subordinate bodies, or any member. Further, in any written material used by any campaign that includes a reference to any trade name or the BLET's official marks, labels and other insignia, including the Union's logo, such written material shall include a legend at the bottom of all such material, in no less than 10 point italicized print, which states the following: "Use of the BLET logo or trade names does not signify support for, or endorsement of any candidate or slate by the BLET, and is being used only for identification purposes."

(iv) No nonmember may contribute, or shall be permitted to contribute, directly or indirectly, anything of value, where the purpose, object or foreseeable effect of the contribution is to influence, positively or negatively, the election of a candidate or slate; no candidate, slate, or independent committee, nor anyone acting on behalf of a candidate

slate or independent committee, may solicit or accept financial support, or any other direct or indirect support of any kind, from any nonmember, except as permitted in subparagraph (d) below. (Nonmember does not include a person in a candidate's family, except a family member who is otherwise ineligible to contribute under these *Rules*. Persons in the families of members who are not candidates may not contribute unless they themselves are members of BLET.)

(v) Prohibited contributions must be returned promptly. Within three (3) days of the return of any contribution, the candidate or candidate's or slate's campaign returning the contribution shall provide to the National Secretary-Treasurer an affidavit identifying the original source and date of the contribution being returned, the amount of the returned contribution, the person to whom or entity to which the contribution was returned and the date on which the contribution was returned.

(vi) No member may campaign for him/herself or for any other candidate or slate during time that is paid for by the Union or by any employer. However, campaigning incidental to work or regular Union business or during paid vacation, paid lunch hours or breaks, or similar paid time off is not in violation of the campaign contribution rules.

(d) Payments for Legal or Accounting Services

(i) Except as provided herein, the rules in subparagraph (c) above do not prohibit a candidate's or slate's solicitation or use of financial support or services from nonmembers, disinterested employers, foundations or labor organizations to pay fees for legal or accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending or clarifying the legal rights of candidates or slates, if and only to the extent such contributions are received in response to solicitations specifically requesting such funds or services or are contributions so earmarked by the contributor at the time the contribution is made.

(ii) No candidate, or member who is not a candidate, shall contribute more than \$5,000, in total, for use in the National Election to pay fees for legal and accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending, or clarifying the legal rights of candidates.

(iii) No nonmember, disinterested employer, foundation or labor organization may contribute more than \$5,000, in total, to pay for such legal and accounting services. A candidate or slate may not accept or use more than \$5,000, in total, in contributions from any nonmember or entity to the election to pay for such legal and accounting services.

(iv) Nothing herein shall prevent or limit legal or accounting professionals (whether or not Union vendors) from making, or a candidate or slate from accepting or using, an in-kind contribution of legal or accounting services, so long as such services are provided solely for assuring compliance with applicable election laws, rules or other requirements or for securing, defending or clarifying the legal rights of candidates or slates.

(v) In the event that a candidate demonstrates to the National Secretary-Treasurer that the \$5,000 limit on contributions to pay for legal and accounting services set forth in subparagraph (ii) and (iii) prevents the candidate or slate from instituting an action in any Court, or in a proceeding before any administrative agency, the National Secretary-Treasurer has the authority to waive or increase the \$5,000 limitation, or to take other appropriate action.

(e) Loans, Extensions of Credit, etc.

If a candidate or a candidate's or slate's campaign incurs a debt by loan, extension of credit, deferred payment terms, contingency fee arrangement or the like and fails to pay the debt, the debt shall be deemed a contribution made by the creditor to the candidate or candidate's or slate's campaign, unless the creditor has made a commercially reasonable attempt to collect the debt. Whether or not a debt is settled, the candidate or the candidate's or slate's campaign, as the case may be, shall file a debt statement with the National Secretary-Treasurer in his/her/its fifth Campaign Contribution and Expenditure Report ("CCER"), described in Section 2 of this Article. The statement must indicate the amount initially owed, the date the debt was incurred, the amount paid, the terms of the debt settlement, if any, and the basis for any reduction. The

candidate or slate shall attach to the statement copies of all contracts or written agreements concerning the debt and all such documents concerning the provision of goods or services for which the debt was incurred, all bills therefor, all checks for payment of the bill and/or debt and all receipts evidencing payment of any and all parts of the debt. Until paid in full or forgiven, all activity regarding a debt under this subsection shall continue to be reportable under Subsection 2.

(f) Strict Liability.

(i) Candidates and slates are strictly liable to insure that each contribution received is permitted under these *Rules*. Ignorance by a candidate, slate, union and/or an employer that union or employer funds or other resources were used to promote a candidacy shall not constitute a defense to an allegation of a violation of these *Rules*.

(ii) It is strongly recommended that each candidate or slate notify all prospective contributors of the limitations on campaign contributions prescribed in this Article; that all candidate or slate campaign literature soliciting contributions specifically state that no contributions by employers, labor organizations or nonmembers may be made or accepted; that such campaign literature specify the applicable contribution dollar limits; and that similar disclaimers be issued at all fund-raising events.

(iii) The remedy that may be imposed by the Election Protest Committee in resolving any protest concerning a candidate's or campaign's receipt or use of improper contributions will be influenced by the manner in which the contribution was solicited and/or accepted, and by whether an appropriate disclaimer was contained in, or issued at the time of, the solicitation.

2. Financial Disclosure Requirements

(a) Who must file

A Campaign Contribution and Expenditure Report ("CCER" or "Report") and a Supplemental Form No. 1: Permitted Employer and Labor Organization Contributions and Associated Expenditures for Legal and Accounting Services ("Supplemental Form No. 1"), available from the National Secretary-Treasurer, shall be filed with the National Secretary-Treasurer, by certified or registered mail, on the schedule set forth in this Article, by each of the following:

(i) Every Union member who is a candidate for National Division office, or slate on behalf of such candidate, including any member who has received or solicited any contributions, whether of money or of any other thing of value, or made any expenditures, where the purpose, object or foreseeable effect of any such contribution or expenditure is to influence the election of that member as a National Division Officer, whether or not such member is as yet declared, accredited or nominated as a candidate; and

(ii) Every caucus, member group, campaign organization or independent committee which has received or solicited contributions in excess of \$1,000, whether of money or of any other thing of value, or made expenditures in excess of \$1,000, whether of money or of any other thing of value, where the purpose, object or foreseeable effect of any such contribution or expenditure is to influence the election of one or more National Division Officer candidates, whether or not any such candidate is declared, accredited or nominated at the time the contribution is made.

To the extent a caucus, member group, committee or campaign organization is controlled by a candidate or slate, the person or entity is not an independent committee and shall be deemed part of the candidate's or slate's campaign. Receipts and expenditures of such shall be reported by the candidate or slate in each Report and Supplemental Form No. 1 filed by the candidate or slate.

(b) Required Record Keeping

It is the responsibility of each candidate, slate, caucus, member group, independent committee and campaign organization to keep records sufficient to demonstrate compliance with these *Rules*, including but not limited to records of each reportable transaction. Such record keeping must include the name and Local Division number of every contributor and the amount of each contribution, including income from sales of campaign paraphernalia. Records of all invoices and bills must also be maintained. Each candidate and slate is subject to audit by the National Secretary-Treasurer upon notice.

(c) What Must Be Filed

Reporting forms will be available from the National Secretary-Treasurer. Use of these forms

or exact replicas in size 8½ inches by 11 inches is mandatory. The National Secretary-Treasurer may issue a Supplemental Rule providing for, or requiring, the secure electronic filing of the Report, Supplemental Form No. 1 and Vendor Report.

Each candidate and slate listed in Subsection (a)(i) above, and each caucus, member group, independent committee or campaign organization ("other entity") listed in Subsection (a)(ii) above must file both the Report and Supplemental Form No. 1. Supplemental Form No. 1 must be filed even if such candidate, slate, or other entity does not solicit or receive any earmarked legal and accounting contributions from nonmembers, employers or labor organizations. Similarly, even if such candidate, slate, or other entity solicits or receives only contributions from nonmembers, employers or labor organizations earmarked for legal and accounting services, that candidate, slate, or other entity must file a Report.

Each Report and Supplemental Form No. 1 filed by an individual member of the Union must be signed by that member. Each Report and Supplemental Form No. 1 filed by a slate must be signed by the formally designated treasurer of the slate. Each Report and Supplemental Form No. 1 filed by any other entity must be signed by a formally designated representative of such entity.

A candidate, slate or independent committee that pays or contracts for goods or services for the National Election in an aggregate amount of \$5,000 or more from a vendor that has performed work for the BLET or IBT or any of its subordinate bodies within the preceding twelve (12) months, shall file a disclosure ("Form 8 - Vendor Report"), on a form provided by the National Secretary-Treasurer, which shall set forth the terms of the agreement or payment and the identity of the BLET or IBT bodies for which the vendor has worked. Such disclosure does not apply to banks, telephone companies, utility companies or the United States Postal Service. Vendor reports shall be filed with the National Secretary-Treasurer, who shall make them available to candidates or observers under the same terms and conditions that apply to campaign financing and expenditure reports.

(d) When Filings Must Be Made

(i) The following schedule shall apply to the filing of Campaign Contribution and Expenditure Reports ("CCERs") and Supplemental Form No. 1:

(A) On or before January 15, 2018, each such member, slate, caucus, member group, independent committee, and campaign organization shall file a CCER and Supplemental Form No. 1 for the period from July 1, 2017 through December 31, 2017. This first CCER must include all requested information retroactive to the first contribution and the first expenditure for the National Election. Each succeeding CCER must include all requested information not included in prior CCERs.

(B) On or before April 15, 2018, each such member, slate, caucus, member group, independent committee campaign organization shall file a CCER and Supplemental Form No. 1 for the period January 1, 2018, through March 31, 2018.

(C) On or before July 15, 2018, each such member, slate, caucus, member group, independent committee or campaign organization shall file a CCER and Supplemental Form No. 1 for the period April 1, 2018, through June 30, 2018.

(D) On or before October 15, 2018, each such member, slate, caucus, member group, independent committee or campaign organization shall file a CCER and Supplemental Form No. 1 for the period July 1, 2018, through September 30, 2018.

(E) On or before January 15, 2019, each such member, slate, caucus, member group, independent committee or campaign organization shall file a CCER and Supplemental Form No. 1 for the period October 1, 2018, through December 31, 2018.

(F) Thereafter, each such member, slate, caucus, member group, independent committee or campaign organization shall file, no later than the fifteenth (15th) day of the month following the end of each succeeding calendar quarter, a CCER and Supplemental Form No. 1 for said calendar quarter in which there is any reportable financial activity or in which any balance remains in either the campaign fund or the legal and accounting services fund, or in which there are any loans outstanding.

(G) On such subsequent date(s) as the National Secretary-Treasurer may determine, each such member shall file a CCER and Supplemental Form No. 1 for such subsequent period(s) as the National Secretary-Treasurer may determine.

(H) The National Secretary-Treasurer may adjust the above schedule for filing campaign financing and expenditure reports if he/she deems it appropriate to do so.

(ii) If there are funds remaining in a candidate's, slate's, or independent committee's campaign fund or legal and accounting fund after the conclusion of the election and final resolution of any challenges thereto, said excess funds shall be returned to contributors or donated to charity. If such funds are returned to contributors, they must be prorated so that each individual contributor to the candidate or slate receives a pro-rated portion of the remaining funds. If such funds are donated to charity, it must be to a bona-fide charity under Section 501(c)(3) of the Internal Revenue Code, as amended. All candidates, slates, and independent committees with remaining balances in either their campaign funds or legal and accounting funds shall, after disposing of such funds in the manner outlined above, furnish written confirmation of such disposition (including full details of the return or donation) by filing a final CCER and Supplemental Form No. 1 with the National Secretary-Treasurer.

(e) Inspection of Filed Disclosure Reports

Upon written request, the National Secretary-Treasurer shall advise any member whether any candidate (whether or not declared, accredited or nominated) or slate identified by the member has made a filing under this Article.

Each accredited candidate shall have the right to inspect and obtain copies, subject to a reasonable charge determined by the National Secretary-Treasurer, of any campaign financing and expenditure reports and/or vendor reports filed by other candidates, slates, caucus, member group or campaign organization, upon reasonable request at the National Division headquarters prior to and including September 21, 2018, and on and after October 8, 2018, or at the site of the National Convention between September 24 and October 4, 2018, upon such reasonable terms and conditions as the National Secretary-Treasurer may establish for processing such requests. The National Secretary-Treasurer, in his discretion, may require candidates or slates to transmit copies of their campaign financing and expenditure reports and vendor reports to other candidates or their representatives.

ARTICLE IX RIGHTS AND DUTIES UNDER THE LABOR MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

The following sections of the Labor-Management Reporting and Disclosure Act of 1959, as amended ("LMRDA"), 29 U.S.C. Sections 401-531 (1988) are incorporated into and made a part of these *Rules*:

- LMRDA Section 101(a)(1) (equal rights and privileges);
- LMRDA Section 101(a)(2) (freedom of expression and assembly);
- LMRDA Section 104 (right to inspect or receive copy of collective bargaining agreements);
- LMRDA Section 401(c) (distribution of campaign literature; prohibition against discrimination in use of union membership list, inspection of membership list, safeguards to insure fair election);
- LMRDA Section 401(e) (reasonable opportunity to nominate, eligibility to hold office, voting and campaigning without interference or reprisal, notice of election, right to vote, preservation of election records, following union constitution and bylaws where consistent with LMRDA);
- LMRDA Section 401(g) (prohibition on use of union or employer assistance in campaigning); and
- LMRDA Section 609 (prohibition on union discipline for exercising rights under LMRDA).

Article VIII, Section 1(c)(i) of these *Rules* imposes an absolute prohibition against any "employer" making any campaign contributions, stating, in relevant part, that "[n]o employer (or group of employers) may contribute, or shall be permitted to contribute, directly or indirectly, anything of value, where the purpose, object or foreseeable effect of the contribution is to influence, positively or negatively, the election of a candidate or slate. ... These prohibitions extend beyond strictly monetary contributions made by an employer and include contributions or use of employer supplies, stationery, equipment, facilities and personnel." Moreover, NDR Section

48 expressly incorporates the LMRDA Section 401(g) (29 U.S.C. §§ 481(g)), prohibition that no monies of an employer "shall be contributed or applied to promote the candidacy of any person in any election subject to the provisions of this subchapter." The U.S. Department of Labor ("DOL") has issued regulations — published at 29 C.F.R. § 452.78 — to carry out this statutory prohibition, which state in relevant part, that "... no money of an employer is to be contributed or applied to promote the candidacy of any person in an election subject to the provisions of title IV. This includes indirect as well as direct expenditures. ... The prohibition against the use of employer money includes any costs incurred by an employer, or anything of value contributed by an employer, in order to support the candidacy of any individual in an election."

All of the above contemplate that no employer shall take any action, or otherwise have any role whatsoever, that promotes or opposes the candidacy of any person in an election for union office, directly or indirectly, where the purpose, object or foreseeable effect is to influence, positively or negatively, the election of a candidate or slate. This prohibition extends beyond the monetary contribution rule set forth in the statute, DOL regulations and Article VIII of these *Rules*. It includes public acts by "employers" wherein candidates, incumbent or otherwise, are publicly disparaged or portrayed in a negative light. In this regard, it should be clearly noted that employers do not enjoy the rights and privileges to exercise political rights afforded to union members under Title I of the LMRDA, and as provided in NDR Section 48 and in Article V, Section 7 and this Article of the *Rules*. In point of fact, employers are prohibited from participating in the process in any manner.

In the application of these *Rules* during the administration of the 2018 National Division Officer Election, which will continue until the election process is completed, all members, candidates, slates, interested parties, and particularly "employers," — as that term is defined in these *Rules* — are cautioned to be aware and forewarned that the above-stated prohibitions against employer involvement in this election will be interpreted very broadly in the handling of any protest or complaint brought in this election that alleges same. This is necessary to insure a fair, honest, open and informed election, as required by BLET and federal law. Any interference by an employer that is found in this election, as described by the above standards, however directly or indirectly, and whether intentionally or unintentionally, will be considered a violation of these *Rules* and a presumptive violation of federal law, which will be prosecuted through a complaint with DOL pursuant to 29 C.F.R. § 452.135.

Insofar as the foregoing sections of the LMRDA may regulate conduct unrelated to nominations or election of National Division Officers, they are not incorporated into these *Rules* and shall not be enforced in this election.

ARTICLE X PROTEST AND APPEAL PROCEDURES; REMEDIES

1. Right to File Protests

Any candidate, member, General Committee of Adjustment, State Legislative Board, or Local Division may file a protest with the Election Protest Committee ("EPC") alleging noncompliance with these *Rules*, or appeal to the Advisory Board any decision of the EPC concerning a protest, free from any direct or indirect retaliation or threat of retaliation by any Union officer, member, candidate or by any other person or entity for such filing. With respect to any protest, it shall be the burden of the complainant to present a preponderance of reliable evidence that a violation has occurred. No protest of any person or entity shall be considered if such person or entity, or anyone acting under their direction or control or on their behalf, caused or significantly contributed to the situation giving rise to such protest.

2. Pre-Election Protests

Pre-election protests shall be processed in the following manner:

(a) Protests regarding violations of the LMRDA (including violations of the IBT Constitution or BLET Bylaws) allegedly occurring prior to the date of issuance of these *Rules* and protests regarding any conduct allegedly occurring within the first twenty-eight (28) days after issuance of these *Rules* must be filed within thirty (30) days of the date of issuance of these *Rules*, or such protests shall be waived.

(b) All other pre-election protests (except those concerning the eligibility of a candidate to run for National Division office) must be filed within five (5) business days of the day when the

protestor becomes aware or reasonably should have become aware of the action protested or such protests shall be waived; these include, by way of example only, the following:

- (i) protests regarding alleged failures to provide proper access to the membership, including, e.g., alleged violations of these *Rules* regarding access to collective bargaining agreements, union meetings, or employer premises;
- (ii) protests regarding alleged improper or inequitable treatment of the candidate or his/her supporters by the BLET National Division or any subordinate body of the Union, by any other labor organization or by an employer, including improper handling of the candidate's request for mailings by the Union, improper or inequitable denial of access to the membership or to relevant information by the Union, by any other labor organization or by an employer, and improper or inequitable aid or support, financial or otherwise, given or denied a candidate or his/her supporters by the Union, by any other labor organization or by an employer;
- (iii) protests regarding alleged improper contributions, application or use of nonmember, employer or labor organization funds or other resources; and
- (iv) protests regarding alleged improper pre-election threats, coercion, intimidation, acts of violence or retaliation for the exercise of rights protected by these *Rules*.

(c) Protests concerning the eligibility of a candidate to run for National Division office must be filed with the IBT General President or his designee "in writing, within forty-eight (48) hours after receipt of the [eligibility] ruling" pursuant to Article XXII, Section 5(a) of the IBT Constitution.

(d) All protests concerning pre-election conduct shall be filed by sending a clear and concise written statement of the alleged improper conduct to both the EPC, at the National Division headquarters, and to the affiliate(s) involved. The protest should identify by name, address and telephone number each person who or entity which is or may be a subject of the protest. This statement shall be delivered by personal delivery, overnight mail or by facsimile transmission with a copy sent by regular mail immediately thereafter, within the time limits prescribed by these *Rules* and shall include the name(s), address(es), telephone number(s), electronic mail address(es), and Local Division number(s) of the complainant(s).

(e) The EPC shall provide a copy of the protest to any person who or entity which it determines may be a subject of the protest, decision or remedy. Each such person or entity shall have the opportunity to present evidence and/or legal argument to the EPC.

(f) The EPC shall evaluate the protest and shall:

- (i) determine the merits of the protest and, if found meritorious, determine the appropriate remedy within fourteen (14) days of receipt, unless the protest was filed pursuant to Section 2(a) above, in which case the EPC shall determine the protest within twenty-one (21) days of docketing; or
 - (ii) defer making a determination until after the election and thereby treat the matter as a post-election protest pursuant to Section 3 of this Article, as if such protest were filed on Election Day.
- (g) The EPC shall have the authority to obtain information necessary to assist in resolving any protest, or to have the National Division obtain and provide such information. The Union (including subordinate bodies) and all members, and candidates, are required to cooperate with the EPC. Failure to cooperate with the EPC may result in the filing of Article XIX charges against the non-cooperative individual or affiliate.

(h) The EPC shall notify the complainant(s), the Union(s) involved, any candidate(s) adversely affected, and/or any person(s) who or entity(ies) which is/are the subject of the protest of the decision or remedy within the time limit prescribed by this Section.

(i) The complainant(s), the affiliate(s) involved, if any, any adversely affected candidate(s), or any other person who or entity which is aggrieved by the determination of the protest may, within two (2) business days of receipt of the decision, appeal the EPC's decision to the Advisory Board. The appeal shall be made in writing and shall specify the basis for the appeal and the error(s) alleged to have been committed by the EPC. The appeal shall be transmitted to the Advisory Board at the National Division headquarters, to the EPC, and to all other parties to the dispute by personal delivery, overnight mail, or facsimile transmission with a copy sent by regular mail immediately thereafter, within the time limit prescribed above, and said appeal

shall include a copy of the original protest attached.

(j) If no timely appeal is taken from the determination of the EPC, that determination shall be final and binding.

(k) The Advisory Board shall have the authority to conduct, or have a designee conduct, a hearing concerning any matter appealed to it or to decide the matter without a hearing based on written materials submitted. In deciding whether to conduct a hearing, the Advisory Board shall consider the seriousness of the violation(s) alleged in the protest. If the Advisory Board decides to conduct a hearing concerning a matter appealed to it, it shall commence and conclude the hearing within five (5) calendar days after receiving the appeal at a location and in a manner that it determines most appropriate to elicit fully all relevant facts and information necessary to determine the appeal. The following individuals may participate in the hearing: the complainant(s) and/or her/his representative(s); any representative(s) of any affiliate(s) involved; any person who or entity which is the subject of the decision or remedy involved and/or her/his/its representative(s); the EPC or one of its representative members; the person(s) filing the appeal, if other than the complainant(s), and/or his/her/their representative(s); and any other person who obtains permission from the Advisory Board or its designee.

At each such hearing, the EPC or its representative shall present to the Advisory Board or its designee a summary of the original determination, including a statement of the facts found, the resolution reached and the basis for that resolution.

(l) Within ten (10) calendar days from the Advisory Board's receipt of the appeal or from the conclusion of the hearing, whichever occurs later, unless the Advisory Board determines that more time is warranted in the circumstances, the Advisory Board shall issue a written decision, making whatever findings and ordering whatever relief is appropriate to resolve the appeal. In issuing a decision concerning matters appealed under these *Rules*, the Advisory Board shall give due consideration to any time exigencies that may be brought to its attention by the parties. The Advisory Board's decision shall be sent to the complainant(s), the affiliate(s) involved, if any, the EPC, any candidate(s) adversely affected by the decision, any person who or entity which is the subject of the appeal decision or remedy, and any other person who or entity which, with permission of the Advisory Board, participated in the appeal. The decision shall be effective upon issuance.

3. Election Day and Post-Election Protests

Protests concerning Election Day or post-Election Day conduct ("post-election protests") shall be processed in the following manner:

(a) Protests regarding any alleged improper Election Day or post-Election Day conduct or event must be filed within seventy-two (72) hours of the announcement of the election results of the National Division Officers election.

If the above time limits are not met, the protest shall be deemed waived.

(b) Post-election protests shall only be considered and remedied if the alleged violation may have affected the outcome of the election, except that any timely protest alleging improper threats, coercion, intimidation, acts of violence or retaliation for exercising any right protected by these *Rules* shall be considered and remedied without regard to whether the alleged violation affected the outcome of an election.

(c) All post-election protests shall be filed by sending the EPC and the affiliate(s) involved, if any, a clear and concise written statement of the alleged improper conduct, including a statement explaining how such conduct may have affected the outcome of the election. Such statement shall be delivered to the EPC and the affiliate(s) involved, if any, by personal delivery, overnight mail, or facsimile transmission with a copy sent by regular mail immediately thereafter, within the time limits prescribed by Subsection 3(a) above and shall include the name(s), address(es), telephone number(s), electronic mail address(es), and Local Division number(s) of the complainant(s). The protest should identify by name, address and telephone number, each person who or entity which may be a subject of the protest.

(d) The EPC shall provide a copy of the protest to any person who or entity which the EPC determines may be a subject of the protest, decision or remedy. Each such person or entity shall have the opportunity to present evidence and/or legal argument to the EPC.

(e) The EPC shall evaluate the protest and, within ten (10) days of the filing of a protest shall determine the merits of the protest and, if found meritorious, determine the appropriate remedy.

The EPC shall notify the complainant(s), the Union(s) involved, if any, any candidate(s) adversely affected, any person who or entity which is the subject of the decision or remedy and the Advisory Board of its decision within the time limits prescribed above.

(f) The complainant(s), the affiliate(s) involved, if any, any adversely affected candidate(s), or any other person who or entity which is aggrieved of the determination of the protest may, within two (2) business days after receipt of the decision, appeal the decision to the Advisory Board. The appeal shall be made in writing and shall specify the basis for the appeal. The appeal shall be delivered to the Advisory Board at the National Division headquarters and to all other parties to the dispute, including the EPC, by personal delivery, overnight mail, or facsimile transmission with a copy sent by regular mail immediately thereafter, within the time limit prescribed above, with a copy of the original protest attached.

(g) If no timely appeal is taken from the determination of the EPC, that determination shall be final and binding.

(h) The Advisory Board shall have the authority to conduct, or have a designee conduct, a hearing concerning any post-election matter appealed to it or to decide the matter based on written materials submitted. In deciding whether to conduct a hearing, the Advisory Board shall consider the seriousness of the violations alleged in the protest. If the Advisory Board decides to conduct a hearing concerning any post-election matter appealed to it, it shall commence and conclude the hearing within fifteen (15) calendar days after receipt of the appeal at a location and in a manner that the Advisory Board determines most appropriate to elicit fully all relevant facts and information necessary to determine the appeal within the prescribed time period. The following individuals may participate in the hearing: the complainant(s) and/or her/his representative(s); any representative(s) of the affiliate(s) involved, any person(s) who or entity(ies) which/are is the subject of the decision or remedy involved and/or her/his/its/their representative(s), the National Secretary-Treasurer and/or her/his representative, the person(s) filing the appeal, if other than the complainant and/or her/his representative, and any other person who obtains permission to participate from Advisory Board.

At each such hearing, the EPC, or its representative shall present to the Advisory Board or its designee a summary of the original determination, including a statement of facts found, the resolution reached and the basis for that resolution.

(i) Within fifteen (15) calendar days from the Advisory Board's receipt of the appeal from a decision or from the conclusion of a hearing concerning a protest, whichever occurs later, unless the Advisory Board determines that more time is warranted in the circumstances, the Advisory Board shall issue a written decision, making whatever findings and ordering whatever relief is appropriate to resolve the appeal. In issuing a decision concerning matters appealed under these *Rules*, the Advisory Board shall give due consideration to any time exigencies that may be brought to its attention by the parties. The Advisory Board's decision shall be sent to the complainant(s), the Union(s) involved, the EPC, any candidate(s) adversely affected by the decision, any person who or entity which is the subject of the appeal decision or remedy and any other person who or entity which, with permission of the Advisory Board, participated in the appeal. The decision shall be effective upon issuance.

4. Election Protest Committee Procedures

Protests directed to the EPC must be sent to the National Division Offices in Independence, Ohio, using the proper means outlined above, and will be handled in accordance with the following procedures:

(a) If a protest is sent by fax, it must be followed up by hard copy sent via certified or registered mail. Fax copy will serve to protect the time limits on protests, so long as a hard copy follows as required. Once the hard copy is received in the National Division offices, it will be scanned and forwarded to the EPC electronically, followed by hard copy mailed by U.S. Mail. Receipt of the electronically sent scanned copy by the EPC will start the 14-day time limit for the EPC to make a determination in the protest.

(b) The EPC may utilize National Division staff in the Independence Office for printing and mailing services when necessary and those services will be coordinated by a staff employee assigned for that purpose. Pursuant to NDR Section 7 and Section 2(g) of this Article, the EPC will contact the National President if any questions arise concerning the meaning or interpretation of the BLET Bylaws or these *Rules*.

The National President will play no role in the determination of the protested actions, but will provide his interpretation of the Bylaws and/or *Rules* as requested by the EPC, pursuant to NDR Section 7(b). Once the EPC makes a determination in any protest, a hard copy will be sent to all involved parties pursuant to Section 2(f)(ii) of this Article, with a copy to the National Secretary-Treasurer. EPC determinations also will be published on the BLET National Division website's Election page.

(c) Receipt of the hard copy of the EPC determination by those involved will initiate the time limit for the filing of an appeal. Any later changes by the EPC to a determination, such as an extension of time limits to comply with the remedy, must be copied to all involved parties, and to the National Secretary-Treasurer. Such modifications to the original determination also will be subject to appeal by any involved party.

(d) If an appeal is sent to the National Division Office by fax, it must be followed up by hard copy sent via certified or registered mail. Fax copy will serve to protect the time limits on appeals, so long as a hard copy follows as required. Once the hard copy is received in the National Division Office, it will be scanned and forwarded to the Advisory Board electronically, followed by hard copy mailed by U.S. Mail. Receipt of the electronically sent scanned copy by the Advisory Board will start the 10-day (15-day for post-election protest appeals) time limit for the Advisory Board to make a determination in the appeal.

(e) Advisory Board decisions in appeals will be forwarded via hard copy to all involved parties and to the National Secretary-Treasurer, and will be published on the BLET National Division website.

5. Remedies

If, as a result of any protest filed, the EPC or the Advisory Board determines that these *Rules* have been violated or that any other conduct has occurred which may prevent or has prevented a fair, honest, open and informed election, it may order whatever remedial action it deems appropriate. Such remedial action may include, without limitation:

- (a) placing or removing any nominee from the ballot;
- (b) qualifying or disqualifying any member from seeking any National Division Officer position;
- (c) qualifying or disqualifying any member from voting;
- (d) reinstating or removing a member's good standing status;
- (e) requiring or limiting access;
- (f) requiring the Union or any affiliate to mail or otherwise distribute, at its own expense, candidate campaign materials;
- (g) mailing or otherwise distributing candidate campaign materials;
- (h) requiring the Union or any affiliate to hold meeting(s) and prescribing the content of such meetings;
- (i) requiring the return of campaign contributions;
- (j) requiring reimbursement for goods or services;
- (k) requiring the Union or any affiliate to provide candidate(s) with specific goods or services;
- (l) establishing or altering the time method(s) or location(s) for ballot counting;
- (m) qualifying persons other than her/his representatives, whether or not such persons are Union members, to serve as observers;
- (n) disqualifying observers;
- (o) ordering entry for observers and regulating the number and conduct of observers;
- (p) requiring the Union, any affiliate, or member to pay for distribution of election materials; and
- (q) requiring immediate compliance with these *Rules*, or any portion thereof.

ARTICLE XI FORMS

The National Secretary-Treasurer shall create forms for use in complying with these *Rules* and may promulgate such additional forms as may be necessary or desirable.

Unless a form states on its face that its use is mandatory, the form serves only as a model. For mandatory forms, a duplicate or an exact replica must be used. For model forms, either the form itself or any reasonable facsimile may be used.

APPROVED AND ACCEPTED, by the Advisory Board of the Brotherhood of Locomotive Engineers and Trainmen, on this 3rd day of May, 2017.

/s/ Stephen J. Bruno
National Secretary-Treasurer



Locomotive Engineers And Trainmen News Brotherhood Of Locomotive Engineers And Trainmen

7061 East Pleasant Valley Road
Independence, Ohio 44131

BLET Publications Committee:

Dennis R. Pierce, National President
E. "Lee" Pruitt, First Vice President & Alternate President
Stephen J. Bruno, National Secretary-Treasurer
John P. Tolman, Vice President & National Legislative Rep.
John V. Bentley Jr., Director of Public Relations & Editor
Bill Joyce, Art Director & Associate Editor
www.ble-t.org • (216) 241-2630

COPYRIGHT 2017, ALL RIGHTS RESERVED
VOLUME 31 • NUMBER 7 • July 2017

LOCOMOTIVE ENGINEERS & TRAINMEN NEWS (ISSN 0898-8625)

is published monthly by the Brotherhood of Locomotive Engineers & Trainmen,
7061 East Pleasant Valley Road, Independence, Ohio 44131
Periodicals postage paid at Cleveland, OH.

USPS: 0002-244 ISSN: 0898-8625

POSTMASTER: Send address changes to

Locomotive Engineers & Trainmen News — BLET Record Department,
7061 East Pleasant Valley Road, Independence, Ohio 44131.

Periodicals Postage
PAID
at Cleveland, OH.

7/17

Photo of the Month: July 2017

INDEPENDENCE DAY: On Independence Day 2016, the local citizens of St. Albans, W.Va., let off a few fireworks as a westbound empty coal train slides into the East End of St. Albans on main two. On main one, an eastbound train is lined toward Charleston on its way to Hinton, W.Va., from Russell, Ky. **Photo:** Chase Gunnoe



Are you a photographer? The National Division's Public Relations Department, which produces the Newsletter each month, has received numerous inquiries lately from BLET members volunteering to contribute their

images to the "Photo of the Month" section of the Newsletter. If you'd like to submit a photo for consideration, you may call Editor John Bentley at (216) 241-2630, ext. 248, or you can email: Bentley@ble-t.org.

Please note only high resolution images can be used. Members are also encouraged to review their employer's policies regarding the use of cameras and other electronic devices while on duty.

Advisory Board June 2017 Activity

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

NATIONAL PRESIDENT DENNIS R. PIERCE: National Division Office, Independence, Ohio; General supervision of BLET activities; General office duties; Correspondence and telephone communications; Supervision of Office Administration; General Supervision of Special Representatives; President, Teamsters Rail Conference; Policy Committee, Teamsters Rail Conference; Coordinated Bargaining Group national negotiations/mediation sessions, St. Louis, Mo., and Cleveland, Ohio; BLET regional meeting, San Antonio, Texas; BNSF Town Hall mtg., Ontario, Calif.; Town Hall mtg., Mohave, Ariz.

FIRST VICE PRESIDENT E.L. (LEE) PRUITT: National Duties include but not limited to: Short-line Organizing Dept.; Trainmen's Dept.; National Publications Committee; National Legislative Board; Teamsters Rail Conference Policy Committee; PRAC; and National Negotiations; National duties, Independence, Ohio; General office duties, telephone, email, correspondence communications, etc.; Coordinated Bargaining Group national negotiations/mediation sessions, St. Louis, Mo., and Cleveland, Ohio; BLET Regional Meeting, San Antonio, Texas; BNSF Town Hall mtg., Ontario, Calif.

NATIONAL SECRETARY-TREASURER STEPHEN J. BRUNO: General supervision of Accounting Dept., Record Dept., Online Services Dept., Tax Compliance Dept.; Safety Task Force; PAC and FEC reports and filings; Implementation and training for BLET membership database/Union Track; Pension, STD, 457 plan Trustee; Division, General Committee and SLB monthly Trustee reports; Mtgs. with vendors and financial institutions; Coordinated Bargaining Group national negotiations/mediation sessions, St. Louis, Mo., and Cleveland, Ohio; BLET Regional Meeting, San Antonio, Texas.

VICE PRESIDENT & NATIONAL LEGISLATIVE REPRESENTATIVE JOHN P. TOLMAN: Assigned to BLET Washington, DC office; General office duties, telephone and correspondence communications; BLET Regional Meeting, San Antonio, Texas; Working the Senate on BLET issues, several meetings in Washington, D.C.; Meeting with Amtrak GCA and Division 57 members, Boston, Mass.; Lobbied with 15 State Legislative Board Chairmen attending the IBT Political and Legislative Coordinators mtg., Washington, D.C.; Several receptions and office visits with members of Congress and the leadership of both the GOP and Democratic parties, Washington, D.C.

VICE PRESIDENT MARCUS J. RUEF: Vice Chairman, National Railroad Adjustment Board (NRAB); National Mediation Board (NMB) Arb. Adv. Forum; Department Head, BLET Arbitration Department; Assigned to Illinois Central, Wisconsin Central, Indiana Harbor Belt, Belt Railway of Chicago, Metra, GRR and Illinois RR; Assist GC Reynolds w/ discipline issues and MOU draft, WC, Chicago; BLET Regional Meeting, San Antonio, Texas; Vacation; Assist GC Burns w/ case load assessment, IHB, Chicago; Assist GC Reynolds w/ Section 6 survey and draft, WC, Chicago; Electronic filing platform development, NRAB, Chicago; Assist GC Burns w/ Claims Conference, IHB, Hammond, Ind.; Arb. Adv. forum, NRAB, Chicago; Dry run of electronic filing platform, NRAB, Chicago.

VICE PRESIDENT MIKE TWOMBLY: Assigned to all Union Pacific GCAs (Eastern District, Northern Region (former C&NW), Western Lines (Pacific Harbor Lines), Western Region (Portland & Western), Central Region, Southern Region; Tacoma Belt RR, Utah RR, Longview Portland & Northern NO & Longview Switch, Portland Terminal; On duty at home office; General office duties, telephone, email, correspondence communications, etc.; UP-Western Region, Portland & Western Section 6 negotiations, Salem, Ore.; BLET Regional Meeting, San Antonio, Texas; UP-Southern Region, PLB 6833, Philadelphia, Pa.

VICE PRESIDENT GIL GORE: Assigned to all CSX; Grand Trunk Western; Union Pacific-Southern Region GCA special assignment; Dispute Resolution Committee (DRC) issues, CSXT; General office duties, paperwork, correspondence, emails, telephone calls, etc.; WGCA mtg., Las Vegas; Advisory Board mtg., Las Vegas; Harrison letter w/ CSX GCs; CSX-NL GCA mtg., Pittsburgh, Pa.; Trip rate dispute conference call; UP-SR GCA retirement dinner for GC Warren Dent; CSX medical quarterly update, New Orleans; GTW negotiations, Atlanta.

VICE PRESIDENT MICHAEL D. PRIESTER: Assigned to all BNSF (former ATSF, former C&S, CRI&P, FWD, former STL-SF, BNSF/MRL), Panhandle Northern, Missouri & North Arkansas, Montana Rail Link, Great Western; General office duties, telephone, email, correspondence communications, etc.; Mtg. w/ BNSF Labor Relations and BLET General Chairmen, Fort Worth, Texas; BLET Regional Meeting, San Antonio, Texas; Mtg. w/ GC Holdcraft, Fort Worth, Texas; BNSF Town Hall mtgs. w/ President Pierce, Ontario and Needles, Calif.; Mtg. w/ BNSF and GC Holdcraft and GC LaPrath, Fort Worth, Texas; Attend joint meeting of Divisions 83, 237 and 567 w/ GC Thurman, Springfield, Mo.; Attend joint meeting of Divisions 170 and 672 w/ GC Thurman, Memphis, Tenn.; Attend join meeting of Divisions 135 and 644 w/ GC Holdcraft and GC LaPrath, Galesburg, Ill.

VICE PRESIDENT COLE W. DAVIS: Assigned to: Kansas City Southern (MidSouth Rail, SouthRail, Gateway Western, Illinois & Midland), Texas Mexican Rwy.; CP Rail System/US (Indiana Southern, Iowa, Chicago & Eastern, Dakota, Minnesota & Eastern); Springfield Terminal (St. Lawrence & Atlantic, Delaware & Hudson), Cedar River, Louisville & Indiana, Huron & Eastern; General office duties, telephone, email, correspondence communications, etc.; Mtgs. w/ CSXT General Chairmen, Atlanta, Ga.; Illinois Midland issues, DM&E issues, MidSouth issues, assisting GC Craddock; BLET Regional Meeting, San Antonio, Texas; Louisville & Indiana issues, assist GC Hogan; Tex Mex issues, assist GC Heise; Springfield Terminal and D&H issues, assist GC Moore; DM&E issues, assist GC Semenk; PLB 7084, assist GC Heise, Ft. Myers, Fla.; KCs issues, assist GC Spradlin; Soo contract issues, assist GC Semenk; Huron & Eastern issues, assist GC Ladrig; Louisville & Indiana issues, assist GC Hogan; WLE issues, assist GC Fannon.

VICE PRESIDENT R.C. (RICK) GIBBONS: Assigned to: All Norfolk Southern General Committees; Wheeling & Lake Erie; Chicago, Fort Wayne & Eastern; New York, Susquehanna & Western; New England Central; Connecticut Southern; Western New York & Pennsylvania; Indiana & Ohio; RSAC/RSIA Fatigue Management Group; General office duties, telephone, email, correspondence communications; Vice President duties; On duty at home office; PLB 7574, assisting GC Wallace, Norfolk, Va.; BLET Regional Meeting, San Antonio, Texas; PLB 7668, assisting GC Dehart, Estero, Fla.

VICE PRESIDENT JAMES P. LOUIS: Assigned Amtrak; Long Island Rail Road; New York & Atlantic; Metro North; New Jersey Transit; PATH; SEPTA; Metra; Union Railroad; National Division Department Head, Education & Training Dept.; National Division Department Head, Internal Organizing, Mobilizing & Strategic Planning Dept.; Union Track mtgs. and training; Education & Training issues; BLET Regional Meeting planning; BLET Regional Meeting, San Antonio, Texas; Division 57 mtgs. w/ GC Mark Kenny, MBCR, Boston; SEPTA contract issues, assist GC Dixon; PATH contract talks; WNY&P Division organization, Olean, N.Y.; 2018 convention planning; LIRR contract talks, assist GC Sexton.

RRB Q&A

CONTINUED FROM PAGE 4 ◀◀

ness are required at the beginning of each period of continuing sickness for which benefits are claimed. Claimants should make a special effort to have the doctor's statement of sickness completed promptly since no claims can be paid without it.

The RRB suggests that employees keep an application on hand for use in claiming sickness benefits, and that family members know where the form is kept and how to use it. If an employee becomes unable to work because of sickness or injury, the employee should complete the application and then have his or her doctor complete the statement of sickness. Employees should note that they must indicate on the application whether they are applying for sickness benefits because they were injured at work or have a work-related illness. They must also indicate whether they have filed or expect to file a lawsuit or claim against

a third party for personal injury. If a claimant receives sickness benefits for an injury or illness for which he or she is paid damages, it is important to be aware that the RRB is entitled to reimbursement of either the amount of the benefits paid for the injury or illness, or the net amount of the settlement, after deducting the claimant's gross medical, hospital, and legal expenses, whichever is less.

If the employee is too sick to complete the application, someone else may do so. In such cases, a family member should also complete Form SI-10, Statement of Authority to Act for Employee, which accompanies the statement of sickness.

11 Is a claimant's employer notified each time a biweekly claim for unemployment or sickness benefits is filed?

The Railroad Unemployment Insurance Act requires the RRB to notify the claim-

ant's base-year employer each time a claim for benefits is filed. That employer has the right to submit information relevant to the claim before the RRB makes an initial determination on the claim. In addition, if a claimant's base-year employer is not his or her current employer, the claimant's current employer is also notified. The RRB must also notify the claimant's base-year employer each time benefits are paid to a claimant. The base-year employer may protest the decision to pay benefits. Such a protest does not prevent the timely payment of benefits. However, a claimant may be required to repay benefits if the employer's protest is ultimately successful. The employer also has the right to appeal an unfavorable decision to the RRB's Bureau of Hearings and Appeals.

For more information on railroad unemployment or sickness benefits, please call the RRB toll-free (1-877-772-5772) or visit the RRB website, www.rrb.gov.™ @