



NEWS

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Flexible Spending begins soon

Flexible Benefit plan Information Center now available

The BLET National Division has established a Flexible Benefit Plan information center on its website, www.ble-t.org, for members seeking more information on the program.

The new page is: <http://www.ble-t.org/fsa>. Archived on the site are all previous News Flashes on the Flexible Benefit Plan, which allows members to use pre-tax dollars to pay for certain medical and child care expenses.

Many members have asked for detailed information about the plan. To that end, the BLET is making available copies of the most recent documents that were mailed to plan subscribers.

A copy of the mailing that was sent to members regarding the 2007 plan year is available for download, along with a sample copy of the 2008 claim form. These documents should give members a better un-

derstanding of how the plan works.

The 2006 mailing regarding 2007 plan year:

<http://www.ble-t.org/fsa/2007for08FBPPaperwork.pdf>

The 2008 claim form:

<http://www.ble-t.org/fsa/2008FBPClaimForm.pdf>

When enrollment begins in October, members will be able to choose to participate in one of two programs:

- The first program, Health Flexible Spending Arrangement (Health FSA), allows members to use tax-free dollars to pay for health care benefits such as the following: doctor co-pays; drug co-pays; dental co-pays or other dental expenses not covered in our dental plan; vision co-pays or additional eye care not covered under the National plan; and over-the-counter medications (cold medicine, decongestant medicine, aspirin, Tylenol or their generic equivalent.

The 2008 program offers savings of \$120 to \$3,600 per year, but the savings are subject to change in the upcoming benefit year.

- The second program, Dependent Care Assistance Program (DCAP), allows members to use pre-tax dollars for certain dependent care expenses, such as out-of-pocket dependent care expenses for childcare or care for physically or mentally handicapped dependants.

The 2008 program offers savings of \$120 to \$5,000 per year, but the savings are subject to change in the upcoming benefit year.

The BLET is urging all members to sign up for the plan in October. At least 5 percent of eligible BLET members must participate in the plan or it will be terminated as of December 31, 2009.

Current participation levels are below the 5 percent threshold, and the BLET is encouraging all members to contact United HealthCare for details when open enrollment begins. •

Unions challenge DOT's 'strip search' drug testing regulation

The Brotherhood of Locomotive Engineers and Trainmen, along with seven other rail unions and the BNSF Railway, has filed a lawsuit challenging a new Department of Transportation (DOT) regulation that would subject employees to a "strip search" during mandatory drug tests.

The DOT regulation, which would become effective August 25, requires railroads to directly observe urine collection in all federally-mandated drug tests involving either a return-to-duty after a positive or invalid test, or a follow-up test conducted after a positive or invalid test. Prior to directly observing the specimen donation, the collector also would be required to subject the worker to a "strip search," because the new regulation states as follows:

"As the observer, you must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the

waist; and lower clothing and underpants to show you, by turning around, that they do not have a prosthetic device. After you have determined that the employee does not have such a device, you may permit the employee to return clothing to its proper position for observed urination."

The DOT's "strip search" regulation is being challenged, in part, on the basis that the mandatory strip searches and observations violate the prohibition against unreasonable searches contained in the Fourth Amendment to the United States Constitution. In addition, review is being sought to determine whether DOT complied with the rule making process of the Administrative Procedures Act.

BLET National President Ed Rodziewicz blasted the new regulation.

"Forcing a railroad worker to submit to an embarrassing and humiliating strip search and observed collection without reasonable suspicion is an outrage," he said.

Other unions participating in the lawsuit include: the Brotherhood of Maintenance of Way Employees Division; American Train Dispatchers Association; Brotherhood of Railroad Signalmen; Transportation Communications International Union; International Brotherhood of Electrical Workers; National Conference of Firemen and Oilers; and United Transportation Union.

In a statement, the BNSF Railway Executive Vice President Carl Ice said: "There is absolutely no tolerance for alcohol or drug use in our workplace. But we also believe that our employees are entitled to be treated with dignity and respect at the workplace, and this new regulation is an intrusion on employees."

President Rodziewicz said that if this regulation had been in effect since FRA began keeping these statis-

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TSA rule forces employers to accurately describe scope of background checks

The Transportation Security Administration (TSA) has issued an interim final rule, effective immediately, codifying a section of Public Law 110-53, the Implementing Recommendations of the 9/11 Commission Act of 2007 ("the Act"), which prohibits public transportation agencies, railroad carriers, and their respective contractors and subcontractors from knowingly misrepresenting Federal guidance or regulations concerning security background checks for covered individuals.

Under this rule, entities operating mass transit systems, passenger rail systems, and freight rail carriers must understand TSA's regulations and guidance and represent these background checks accurately to their employees. They also may not knowingly misrepresent to any other relevant person, including an arbitrator involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary of Homeland Security related to

security background check requirements for covered individuals.

This regulation will apply to regulations and guidance issued by TSA both before and after enactment of the Act, and applies to both future security programs and the current Transportation Worker Identification Credential (TWIC) program and guidance documents for freight railroad and mass transit operators issued by TSA.

On February 12, 2007, DHS and DOT issued guidance to TIH (toxic by inhalation) railroad carriers concerning the recommended scope and procedures for voluntarily conducted background checks. DHS and DOT recommended that, to the extent TIH railroad carriers choose to conduct criminal background checks for individuals with unmonitored access to company-designated critical infrastructure, they should consider using the Federally-established list of disqualifying

See Background Checks, Page 5

BLET NEWS

BLET wins health care victory at Grand Trunk Western

The Brotherhood of Locomotive Engineers and Trainmen (BLET) recently won a major arbitration award on the Grand Trunk Western Railroad, which caps members' health and welfare contributions while maintaining the same level of coverage.

In the award, handed down in Public Law Board No. 7093, Arbitrator Jacalyn J. Zimmerman determined that the carrier improperly increased BLET members' health and welfare contributions for a period of more than one year. She capped the contributions at \$146 per month and ordered the carrier to refund all charges over that amount to each member. The refunded payments coupled with future savings will put several thousand dollars back into the pockets of each BLET member at Grand Trunk.

"This victory has not only greatly reduced our financial health care obligations while still maintaining the same health care coverage, it will also have the effect of greatly enhancing the paycheck power of our upcoming general wage increase of 3 percent which is due on August 1 of this year," said General Chairman John Karakian.

In ruling in BLET's favor, Arbitrator Zimmerman determined that the carrier improperly applied a Harris COLA formula to calculate increases in health and welfare payments made by BLET members. The BLET-GTW contract required a COLA increase as a prerequisite to any increase in the monthly employee contribution to health and welfare. In other words, health and welfare increases for BLET members were tied directly to cost of living increases only.

The problem arose when the Carrier stopped paying COLA increases after January 1, 2007, but continued to increase member health and welfare payments after that time. The BLET successfully argued that health and welfare increases were invalid because the members failed to receive COLAs.

According to the arbitrator's deci-

sion, "The unique documented evidence presented by the Organization, in this Arbitrator's view, lends credence to the position of the Organization. The record establishes that this is the only Local Organization to advance a claim that a Carrier was not entitled to raise the employee contributions absent an increase in COLA."

General Chairman Karakian thanked BLET First Vice President Paul T. Sorrow for all his hard work during the Public Law Board and during contract negotiations for the 2003 and 2006 GTW agreements.

"We always knew that we had the unique evidence and what it took to lift up the ropes and step into the ring of the main event and overcome all odds into the awaiting hands of a big BLET victory in regard to putting a big financial stop to the rising health care expenditures continually flowing from the wallets and paychecks of our Locomotive Engineers," Brother Karakian said. "And that's exactly what we did."

Every month, each member on Grand Trunk pays about \$146 for health and welfare costs. Throughout 2007, the Carrier improperly increased that rate to more than \$166 per member. The Arbitration Award caps membership contributions at \$146 and refunds all money paid over that amount, which will add up to a several hundred dollars per member. The Award also caps the contributions at \$146 until January 1, 2011, or until a new price is established in a new National Agreement.

Sorrow said it was a pleasure to assist such a hard working and determined Chairman as Karakian. He also said it was necessary to step up and defend the membership in light of ever-increasing health and welfare costs.

"As we are always being reminded from the constant information coming to us from over the airwaves and elsewhere, in 2007 total national health care expenditures rose at the fastest rate in history at 6.9 percent — two



times the rate of inflation," Sorrow said. "Total health care spending was \$2 trillion in 2007, or \$6,700 per person. Total health care spending has reached a whopping 16 percent of our Gross Domestic Product (GDP) and is expected to account for \$1 of every \$5 spent in the United States in the next 10 years.

"Faced with this situation, we were greatly motivated to step into the ring with the sole purpose of putting a halt to, and reducing, this rising financial health care burden, which was weighing heavily upon the paycheck shoulders of our hard working GTW Engineers." •

BLET members ratify new Norfolk Southern agreement

As this issue of *The News* goes to press, members of the Brotherhood of Locomotive Engineers and Trainmen have just ratified a new contract agreement with Norfolk Southern.

Details of the agreement will be made available in next month's issue. The tentative contract governs rates of pay, work rules and benefits for approximately 5,100 locomotive engineers.

Ballots were mailed from Cleveland in early August and will be counted in early September.

BLET members rejected a previous tentative contract settlement with Norfolk Southern in December 2007.

The contract was ratified by a vote of 1,894 in favor and 1,091 against.

More details are currently available at www.ble-t.org, and will be reported in next month's issue of *Locomotive Engineers & Trainmen News*.

Division 609 establishes fund to help a BLET family

The members of BLET Division 609 in Jefferson City, Mo., are raising funds for Brother Jason Perry, who tragically lost his eight-year-old daughter Cassidy on June 5. Perry, 35, is a Union Pacific locomotive engineer and member of Division 609.

Brother Perry is in the Army reserves and was in Fort Knox, Ky., for military training when the accident happened. The accident involved a hand gun the little girl found in the family's home.

The members of BLET Division 609 have gra-

ciously established a memorial fund for Cassidy to help the family with expenses during this difficult time. The family is struggling with the tragedy and Brother Perry has taken time off work to be with his wife and two sons.

Expressions of sympathy may be made to the Cassidy Perry Memorial Fund c/o U.S. Bank, 1500 N. Highway 7, Blue Springs, Mo., 64013 (phone: 816-655-3041). Members may also contact Division 609 member Ryan Berthelson at (816) 812-7271. •

Fund established for Division 200 member injured in bridge collapse

A fund has been established in the name of William Hopkins, a member of BLET Division 200 (Davenport, Iowa) who works for the Iowa, Chicago & Eastern Railroad (IC&E).

On June 24, Brother Hopkins was switching at the Tyson Food Plant in Columbus Junction, Iowa, when the bridge that his locomotive was occupying collapsed, causing it to fall 20 feet into the flood waters of the Iowa and Cedar Rivers. It is believed that floodwaters inundated the area for several days, contributing to the collapse.

"We know that he has a broken hip socket, a broken left leg and numerous other injuries," said Iowa State Legislative Board Chairman Jeff Kurtz. A fund has been started to help the Hopkins' family with expenses. Donations can be sent to:

**William Hopkins, c/o Doug Techel
Wells Fargo
231 W. 2nd St.
Ottumwa, Iowa 52501**

Or contact John Sexton, Local Chairman Division 200, at (563) 210-0875. •

SECOND QUARTER 2008

Burlington Northern Santa Fe



Burlington Northern Santa Fe said that its second-quarter profit declined 19 percent, largely because of one-time charges for costs of an environmental cleanup in Montana.

Freight revenues were \$613 million, or 16 percent higher than second quarter of 2007 and included an increase in fuel surcharges of approximately \$400 million over prior year. Operating income was \$714 million, compared to second-quarter 2007 operating income of \$841 million.

The decrease in operating income reflects a \$474 million increase in fuel expense and includes a \$175 million charge related to environmental matters in Montana and \$15 million for additional personal injury accruals. The Company also announced that planned capital commitments for 2008 will be increased.

Operating expenses for the second quarter of 2008 were \$3.76 billion compared with second-quarter 2007 operating expenses of \$3.00 billion. The \$762 million increase in operating expenses was largely driven by a \$474 million increase in fuel expense due to higher fuel prices and includes a \$175 million charge related to environmental matters in Montana. •

Canadian National Railway



Canadian National Railway Co. reported a second-quarter profit of \$459 million, down 11 per cent, while revenue rose to \$2.1 billion.

Highlights for the second-quarter included:

- Diluted earnings per share declined six percent to C\$0.95.
- Net income declined 11 percent to C\$459 million.
- Revenues increased four percent to C\$2,098 million.
- Operating income declined 13 percent to C\$707 million, with the Company's operating ratio rising by 6.3 points to 66.3 percent.
- The stronger Canadian dollar relative to the U.S. dollar, which affects the conversion of CN's U.S. dollar-denominated revenues and expenses, reduced second-quarter 2008 net income by approximately C\$25 million, or C\$0.05 per diluted share.

CN's second-quarter 2008 and 2007 results included deferred income tax recoveries of C\$23 million and C\$30 million, respectively, as a result of continued reductions in corporate income tax rates in Canada. •

Canadian Pacific Railway



**CANADIAN
PACIFIC
RAILWAY**

Canadian Pacific Railway Ltd. reported a 40 percent decline in second-quarter profit as surging fuel costs swelled operating expenses while the slackening economy kept revenue flat.

Canadian Pacific said it earned \$155 million or \$1.00 per share in the April-June period, down from \$257 million or \$1.64 per share in the year-ago quarter. Revenue was essentially unchanged at \$1.22 billion, while the railway's operating ratio — operating costs as a proportion of revenue — deteriorated to 79.4 per cent, from 74.7 per cent a year earlier.

The company now expects full-year adjusted diluted earnings per share of \$4.00 to \$4.20, down from its previous guidance of \$4.40 to \$4.60 despite an upgrade of forecast revenue. Management predicts revenue will grow by six to eight percent over last year, up from previous guidance of four to six per cent, "due mostly to increased fuel recovery, offset somewhat by volume declines." Operating expenses are expected to increase by 11 to 13 percent over 2007, revised from the earlier outlook of six to eight percent, due to higher fuel costs. •

CSX Corporation



As it continues to defend the strength of its operations and management team in a bitter proxy battle, freight railroad operator CSX Corp. said its second-quarter earnings rose 19 percent on strong demand for coal, grain and metals. CSX also reaffirmed its full-year earnings prediction. CSX is targeting a 2008 profit in the "upper end" of a range of \$3.40 to \$3.60 per share. CSX earned \$385 million, or 93 cents per share, in the June quarter, compared with \$324 million, or 71 cents per share, a year earlier. Excluding tax-related gains, CSX earned 89 cents in the latest period. Revenue rose 15% to \$2.91 billion.

CSX said it had seen sustained strong demand for U.S. export coal, grain, ethanol, metals and phosphates during the quarter. U.S. coal exports were boosted this year by demand for coal from Europe, in particular for Appalachian coal. But while freight volumes in CSX's coal and agricultural divisions rose 2 percent and 5 percent, respectively, most freight types saw declines. Automotive shipments fell 23 percent, reflecting a weak year for the U.S. auto industry, while intermodal shipments were down 2 percent. Intermodal shipments rely on standardized containers that haul mostly consumer goods or finished products. •

Kansas City Southern



Kansas City Southern reported record second quarter revenues of \$486.2 million, a 13.8% increase over second quarter 2007. The revenue growth was attributable to a continued strong pricing environment, significant growth in certain business units and an increase in fuel surcharges. Financial highlights for the quarter are as follows:

- Revenues of \$486.2 million, a 13.8% increase over 2007 with all business units experiencing increases.
- Operating income of \$104.6 million compared with \$83.1 million in 2007.
- Operating ratio of 78.5%, a 2-point improvement over the prior year period.
- Diluted EPS of \$0.56 compared with \$0.30 in 2007, an 86.7% increase.

KCS revenue growth was led by the chemical and petroleum sector which had revenue growth of 19.9% driven by new business primarily in plastic products. Carloads in this sector were 13.2% higher than in 2007. Agriculture and minerals experienced revenue increases of 18.4%. In addition, revenues in industrial and consumer products, which includes forest products, metals and scrap and other commodities, increased 12.4%. Intermodal revenue grew 20.3%, automotive revenues increased 10.3% and coal revenue improved 5.7%. •

Norfolk Southern



For the second quarter of 2008, Norfolk Southern reported record

net income of \$453 million, or \$1.18 per diluted share, compared with \$394 million, or \$0.98 per diluted share, for the same period of 2007. Second-quarter railway operating revenues were a record \$2.8 billion, up 16 percent compared with the second quarter of 2007.

For second-quarter 2008 vs. second-quarter 2007:

- Railway operating revenues increased 16 percent to a record \$2.8 billion.
- Income from operations increased 16 percent to a record \$799 million.
- Net income increased 15 percent to a record \$453 million.
- Diluted earnings per share rose 20 percent to a record \$1.18.

Railway operating expenses increased 16 percent to \$2 billion for the second quarter compared with the same period of 2007, primarily due to higher fuel expense, which rose by \$212 million, or 76 percent.

The railway operating ratio for the quarter was 71.1 percent, about even compared with second-quarter 2007. •

Union Pacific Corp.



Union Pacific reported record 2008 second quarter net income of \$531 million, or \$1.02 per diluted share, compared to \$446 million, or \$.82 per diluted share in the second quarter of 2007. The railroad set several financial records during the 2008 second quarter, including:

- Diluted earnings per share increased 24 percent to \$1.02.
- Operating revenue totaled \$4.6 billion, up 13 percent.
- Operating income grew 18 percent to \$931 million.
- Net income increased 19 percent to \$531 million.

In the second quarter of 2008, Union Pacific reported record operating income of \$931 million compared to \$787 million in second quarter of 2007, an 18 percent improvement.

The Company's freight revenue grew 13 percent in 2008 to a best-ever \$4.3 billion. Four of the six business groups, Agricultural, Chemicals, Energy and

Industrial Products posted all-time record revenues. A fifth, Intermodal, set a second quarter revenue record. Five of the six business groups, Agricultural, Autos, Chemicals, Energy and Intermodal, set records for best-ever average revenue per car (ARC), while Industrial Products had a second quarter best for ARC. Overall ARC increased 16 percent, reaching an all-time record of \$1,835 per car in the quarter.

Business volumes in the second quarter of 2008, as measured by total revenue carloads, were 3 percent lower than second quarter 2007 at 2.4 million.

The Railroad's second quarter 2008 average quarterly fuel price was up 64 percent to \$3.60 per gallon compared to \$2.20 in 2007.

Despite high fuel prices, the Company's second quarter operating ratio improved nearly 1 point from 80.5 percent in 2007 to 79.6 percent in 2008.

The Company's second quarter 2008 fuel consumption rate, as measured by gallons per thousand gross ton-miles, was a quarterly best 1.216 versus 1.275 in the second quarter 2007.

The Company repurchased over 6.3 million common shares at an average share price of \$75.83 in the second quarter of 2008. •

DESIGNATED LEGAL COUNSEL

Our union has designated attorneys who are qualified to serve as counsel for BLET members in accordance with the Federal Employers’ Liability Act (FELA) governing workplace accidents.

In the event of an injury or death and before reaching any settlement with a railroad, members or surviving families should contact an attorney listed to get competent advice concerning their legal rights under the FELA.

In addition, if you or any members of your family have questions concerning medical malpractice, product liability or other types of injury cases, please don’t hesitate to contact one of these law firms for a consultation concerning your rights and remedies.

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NEW FEATURE!

Designated Legal Counsel to have regular column in *BLET News*

By Joseph J. Weninger
The Crow Law Firm
Sacramento, Calif.

I have been informed by President Ed Rodzwicz that there will be a new article every month supplied by the Designated Legal Counsel of the BLET, which will be published in the monthly newsletters. The Designated Legal Counsel will provide articles on different subjects for each monthly publication. Since I am the National Liaison, I have the distinct pleasure of providing the first article.

I have decided that we will just go through the DLC list alphabetically; and every month, a Designated Legal Counsel will discuss a certain subject. Each Designated Legal Counsel will provide their phone number, including their "800" number, as well as their fax number, so that if you have any questions relative to the article, you can call the attorney involved.

My job as the Liaison is to try and

make the playing field as even as possible. I do not propose to give any law firm more time to address any questions more than any other law firm, and I am simply going to ask, in alphabetical order, the different DLC's to write an article for the monthly newsletters. I believe it is very important for the members of the BLET to contact designated counsel, because all of the Designated Legal Counsel are expected to follow the Rules of Conduct that each of us must adhere to. Also, all of the Designated Legal Counsel are subject to review by the National organization. If it becomes evident that the Designated Legal Counsel are not doing their job, or are not following the Rules of Conduct, the National can, and has, removed Designated Counsel from the list.

Prior to a Designated Legal Counsel being approved to be put on the list, they must have five letters of recommendation from either General Chairmen and/or State Legislative Chairmen.

The Vice-Presidents then meet and vote on whether to accept a proposed new Designated Legal Counsel.

At the present time, we have 32 Designated Legal Counsel spread across the country. All of them are highly qualified to represent injured railroad workers. All Designated Legal Counsel are asked to attend division meetings, and are asked to be available to answer any questions a member of the BLE&T may have. Designated Legal Counsel are expected to assist in educational seminars and attend regional meetings where they can answer questions relative to the effect of Federal Employers' Liability Act, and also be available to counsel on other personal injury matters.

If you have a specific subject that you would like to have a Designated Legal Counsel address, please forward your inquiry to Joseph J. Weninger, Esq. at dfrias@crowlaw.com. My phone number is (916) 441-2980; our firm's "800" number is 1-800-795-6555. •



Joseph J. Weninger of The Crow Law Firm has the distinct honor of writing the first in a regular series of articles for the monthly BLET News.

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Job Protection Headquarters for Transportation Employees
Since 1910

BLET's Eastern General Chairmen honor the late Bob Godwin at 2008 annual meeting

Tom Roberts was re-elected Chairman of the BLET Eastern General Chairmen's Association at their annual meeting on July 8.

The meeting was held this year during the Eastern Union Meeting Association (EUMA) annual convention at the Sawmill Creek Resort in Huron, Ohio.

Brother Roberts serves the Brotherhood as General Chairman of the Conrail SAA/CSX-Northern District General Committee of Adjustment. Along with his reelection to the office of Chairman of the Eastern General Chairmen's Association, Brother Roberts will also serve as a Delegate to the

National Wage/Rule Committee.

Other officers were elected as follows: Mark Kenny (Amtrak) was reelected Vice Chairman; Ben Martin (New York, Susquehanna & Western) was reelected Secretary-Treasurer; and Rich Dixon (SEPTA) and Cole Davis (Norfolk Southern-Northern Lines) were elected to complete the Executive Board.

Brother Jim Louis (Secretary-Treasurer of the Conrail SAA/CSXT Northern District GCA) was elected as Alternate to the Wage and Rule Committee, filling a vacancy created by the recent elevation of Brother Mike Twombly to National Vice

President. All Association Officers were elected by acclamation.

The assembled General Chairmen discussed a variety of vital issues, and voted to donate \$1,000 from the Eastern General Chairmen's Association to the BLET Auxiliary/EUMA Scholarship Fund in the name of deceased brother Robert W. Godwin Sr.

Brother Godwin served as Conrail General Chairman and Chairman of the Eastern General Chairmen's Association for a number of years.

"I am proud we were able to honor the member of Brother Godwin," Chairman Tom Roberts said. •

TSA issues new regulations regarding transport worker background checks

Background Checks

Continued from Page 1

crimes applicable to hazmat drivers and port transportation workers.

DHS and DOT further recom-

mended that the railroad industry should consider establishing a vigorous internal redress process for adversely affected job applicants and personnel, including an appeal and waiver process similar to the processes established for holders of commercial driver's licenses

who apply for hazardous materials endorsements and for port transportation workers. This recommendation also was mandated by the Act.

The interim final rule takes effect immediately, and is being adopted without prior notice and prior public com-

ment because the TSA finds that notice and public comment to this final rule are impracticable, unnecessary, and contrary to the public interest. However, the rule is open for public comment until September 2, 2008, and the BLET continues to study the issue. •

Strip Search

Continued from Page 1

tics, almost 21,000 unnecessary strip searches and direct observations would have been required, "needlessly humiliating over 99.97 percent of all those required to submit to return-to-duty or follow-up testing."

President Rodzwicz also said there is no reason to justify the DOT's overly harsh and humiliating regulation.

"There is no documentation whatsoever of adulteration or substitution of a return-to-duty test in the railroad industry, and not one of the nearly 11,000 return-to-duty and follow-up tests conducted in 2006 and 2007 were invalidated because of adulteration or

substitution," President Rodzwicz said.

The joint petition for review was filed in the United States Court of Appeals for the District of Columbia Circuit.

As this issue of The News was going to press, the U.S. Department of Transportation postponed from August 25 to November 1 the new regulation that would subject employees to man-

datory direct observation during drug tests conducted when a transportation worker returns to work after a positive drug test and during follow-up drug tests. The current DOT regulation, which will remain in effect for the time being, requires direct observation of urine collection only after an invalid test, and is discretionary during return-to-duty and follow-up tests. •

BLET NEWS

Dayton elected General Chairman of UP-Western Region GCA

Brother J. L. Dayton has been elected General Chairman of the Union Pacific Railroad Western Region General Committee of Adjustment (UPWRGCA) during the Committee's quadrennial convention held June 24-26 in Sun Valley, Idaho.

Brother Dayton's election comes following the unexpected retirement announcement of Brother T. J. Donnigan (Division 228, Pocatello, Idaho), who steps aside following his current tenure of nearly eight years as Chairman.

Brother Dayton, a member of BLET Division 236 (Portland, Ore.), hired on the Union Pacific Railroad in April 1976 as a B & B Carpenter. He transferred into engine service as a fireman in April 1977 and joined BLE Division 236 in November 1977.

Other officers elected during the quadrennial session include:

- Brother S.A. Leyshon (Division 766, Las Vegas, Nevada), First Vice-Chairman;
- Brother B.L. Gates (Division 713, Salt Lake City, Utah), Second Vice-Chairman;
- Brother W.C. Wallace (Division 362, La Grande, Ore.), Third Vice-Chairman (by acclamation);
- Brother S.J. Monson (Division 846, Salt Lake City, Utah), Secretary-Treasurer; and
- Brother T.M. Preston (Division 236, Portland, Ore.), Alternate Secretary-Treasurer.

BLET National Vice-Presidents E. L. Pruitt and D. R. Pierce were in attendance, and addressed the delegates on various facets of issues of national importance.

Designated Legal Counsel (DLC) Joe Weninger (Crow Law Firm, Sacramento, Calif.) discussed the Federal



Front row, from left: Jim Dayton, Randy Jeppson, Steve Leyshon, Will Wallace, Rand Rhodes, Wayne Wiseman, Russ Bennett, Denise Lupo, Bobby Franks, Steve Myers, John Benich, and Ralph Saccomanno.

Back row, from left: Don Strong, Lee Pruitt, Marshall Poole, Jim Lance, Keith Nelson, Tommy Thompson, Chris Gallagher, Bruce Gates, Duane Taddei, Ross Lehmann, Stacey Monson, Tom Frederick, and Tim Donnigan. (Photo submitted by P.D. Short, President of Division 676.)

Employers Liability Act (FELA) and the need for proper personal injury reporting; and DLC Paul Bovarnick (Rose, Senders & Bovarnick, Portland, Ore.) gave a presentation on recently enacted Congressional legislation giving whistleblower protection to railroad workers.

Union Pacific Railroad Employees Health System (UPREHS) President Dell Butterfield gave a presentation on the status of the association and some of the activities and benefits that have come available to the members.

Brotherhood's Relief & Compensation Fund (BRCF) President Mark Robb discussed the status of that organization and issues of discipline on the various carriers throughout the country.

New Chairman Dayton brings a wealth of experience and knowledge to this position, having served the Brotherhood in many capacities, including

Local Chairman of Local Division 236, General Chairman of the former Union Pacific Oregon Division (1980-1987), BLE International Vice-President (1987-1991), Vice General Chairman-at-Large and Second Vice-Chairman of UPWRGCA (1991-2000).

Chairman Dayton was elevated to First Vice-Chairman of UPWRGCA following Chairman Donnigan's ascension in August of 2000; and he was reelected by acclamation at UPWRGCA's 2004 quadrennial convention held in West Yellowstone, Mont. Chairman Dayton also served as a regional mobilization coordinator for the International Division of the BLE from 1991-2000. Chairman Dayton and his wife, Peggy, reside in Dayton, Oregon.

Chairman Donnigan's railroad career spans more than 34 years. He hired on with Union Pacific as a clerk in 1974 and entered the engine service

crafts in 1977. His career as a union officer began as Local Chairman of Division 228 in 1982, General Chairman of the Idaho GCA from 1986 to 1991, and First Vice-General Chairman of UPWRGCA following the merger of the four General Committees that now comprise UPWRGCA.

Brother Donnigan was elevated to the Chair of UPWRGCA following the untimely death of Chairman M. A. Mitchell in August of 2000, and was re-elected by acclamation at UPWRGCA's 2004 quadrennial convention held in West Yellowstone.

Among his many accomplishments are the successful and difficult negotiations that resulted in the various agreements that implemented the Union Pacific-Southern Pacific merger; and the recently completed rewrite of the more than 30-year-old Idaho Agreement, bringing that most important document in line with the plethora of changes in national, local and merger agreements that came subsequent to that 1977 agreement.

UPWRGCA consists of 19 different divisions with more than 1,200 BLET Locomotive Engineers and Trainmen members throughout Washington, Oregon, Idaho, Montana, Utah and Nevada, employed by the Union Pacific, Eastern Idaho, and Portland Terminal railroad companies.

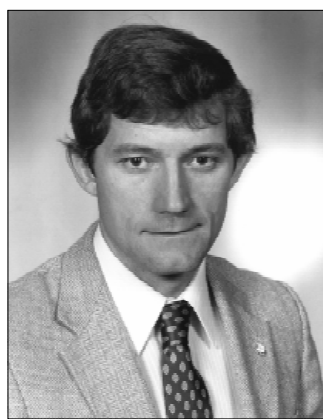
The BLET is a Division of the Rail Conference of the International Brotherhood of Teamsters. •



Outgoing Chairman Tim Donigan with girlfriend Claudia Tremelling.



Jim Dayton, 2008



Jim Dayton, 1986

Register to vote in November elections

New online service at Teamster.org makes it simple to register

Registering to vote is now easier than ever for BLET members thanks to a new online service provided by the International Brotherhood of Teamsters.

Clicking the link below will allow members to input their relevant personal information and mail their voter registration information to their local board of elections.

The BLET is urging all members to register and vote in the upcoming election in November of 2008.

With a labor-friendly Congress currently serving

in Washington, D.C., it is of the utmost importance to elect a labor-friendly candidate for the White House. Registering to vote is the first and biggest step a BLET member can take toward reaching that goal. •

<https://electionimpact.votenet.com/teamsters/voterreg/index.cfm>



From the May 18, 1962 "Locomotive Engineer."

General Chairman Gil Gore reelected by acclamation

Begins fourth term as Chairman of Union Pacific-Southern Region GCofA

Gil Gore was reelected by acclamation to the office of General Chairman at the Union Pacific-Southern Region General Committee of Adjustment meetings in New Orleans, La., on July 29 and 30.

This will be Brother Gore's third term as General Chairman. He has held continuous membership in BLET Division 193 (Gretna, La.) since he joined the Brotherhood on February 1, 1974.

Also elected during the meeting were:

- Dave Phillips, elected by acclamation to a third term as First Vice General Chairman (a member of Division 62, Houston, Texas);

- Gary Perrien, elected by acclamation to a third term as Second Vice General Chairman (Division 193, Gretna, La.);

- Russell Elley, elected by acclamation to a second term as Third Vice General Chairman (Division 197, San Antonio, Texas);

- Warren Dent, Fourth Vice General Chairman (Division 187, Fort Worth, Texas);

- Dan Underwood, First Alternate Vice General Chairman (Division 139, Houston);

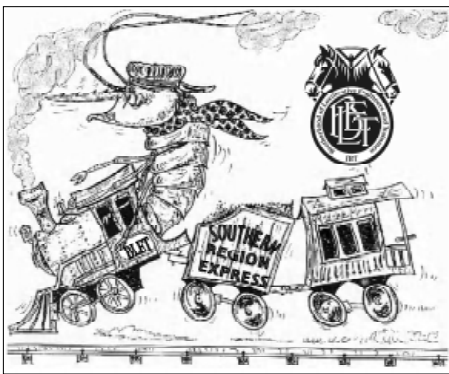
- Dana Marlow, Second Alternate Vice General Chairman (Division 179, Parsons, Kan.);

- Jim Rosas, elected by acclamation to the office of General Secretary-Treasurer (Division 62, Houston); and

- Megan Mead, Alternate General Secretary Treasurer (Division 197, San Antonio).

Visiting dignitaries included: BLET National President Ed Rodzicz; National Secretary-Treasurer Bill Walpert; and National Vice President Lee Pruitt, who all addressed the delegates on issues of national importance.

Designated Legal Counsel Bob Tramuto, Steve Young, Ben Saunders, Gene Napier, Pete McKinney and Joe Bauer participated in a panel discussion with delegates regarding proper injury reporting and other issues pertaining to the Federal Employers' Liability Act (FELA).



The Southern Region GCofA logo, developed by Gary Perrien and his later father.



The recently-elected officers of the Union Pacific-Southern Region General Committee of Adjustment, from left: Alternate Sec-Treas. Megan Meade (Div. 197); First Vice Chairman Dave Phillips (Div. 62); 2nd Alternate Vice Chairman Dana Marlow (Div. 179); General Chairman Gil Gore (Div. 193); Secretary-Treasurer Jim Rosas (Div. 62); 2nd Vice Chairman Gary Perrien (Div. 193); 3rd Vice Chairman Russell Elley (Div. 197); 1st Alt Vice Chairman Dan Underwood (Div. 139). Not pictured: 4th Vice Chairman Warren Dent (Div. 187). (Photo by Brother Joe Chidgey (Div. 197).)

General Chairman Charlie Rightnowar (Union Pacific-Central Region) addressed the delegates on matters of mutual interest to both Committees.

Mark Robb of BRCF, Leonard Baca of CPA and J.D. Howard of LECMPA gave presentations on their respective income protection organizations.

Also in attendance were Texas State Legislative Board Chairman Terry Briggs, Louisiana State Legislative Board Chairman Arlen Todd and Arkansas State Legislative Board Chairman Terry Todd.

Brother Gore has been a BLET member for the past 34 years. He hired on with Union Pacific on July 26, 1973, and earned promotion to locomotive engineer on December 26, 1973. He began his career of service to the Brotherhood

as Local Chairman of Division 193 in 1980 and served as Vice General Chairman from 1986 through 1998. He was elected General Chairman in 2000 for the first time, and was subsequently reelected in 2004 and 2008. He also served as Chairman of the Bylaws Committee at the last two National Conventions (2006 in Las Vegas and 2001 in Miami).

The meetings were held July 29-30 at the Riverfront Wyndham Hotel in Downtown New Orleans, La. The 32 delegates in attendance worked hard and thoroughly enjoyed the bountiful entertainment the beautiful city of New Orleans had to offer.

The Union Pacific-Southern Region GCofA consists of 29 BLET Divisions representing approximately 1,500 members. •



Delegates vote on a measure while in session.



BLET National President Ed Rodzicz addresses the delegates.

Kansas Legislative Chairman Keele reelected by acclamation

Board also hosts Town Hall Meeting for rank-and-file members and National Division officers

Jim Keele was reelected by acclamation as Chairman of the Kansas State Legislative Board at meetings in Kansas City on August 5.

Brother Keele is a member of BLET Division 336 (Osawatomie, Kan.) and joined the Brotherhood on January 1, 1974.

Also reelected by acclamation was R.J.Dame, Secretary-Treasurer of the Board and member of BLET Division 587 (Salina, Kan.)

The Kansas State Legislative Board hosted a

Town Hall meeting in Kansas City to coincide with its Board meeting. Several National Division officers attended the Legislative Board meeting and also the Town Hall meeting.

BLET National President Ed Rodzicz, National Secretary-Treasurer Bill Walpert and Vice President & National Legislative Representative John Tolman were on hand to talk directly to rank and file members during the Town Hall meeting.

The meeting took place on August 6 at the Team-

ster Joint Council Building.

Brother Keele said the Town Hall meeting was for all members to have a chance to talk directly to their National officers.

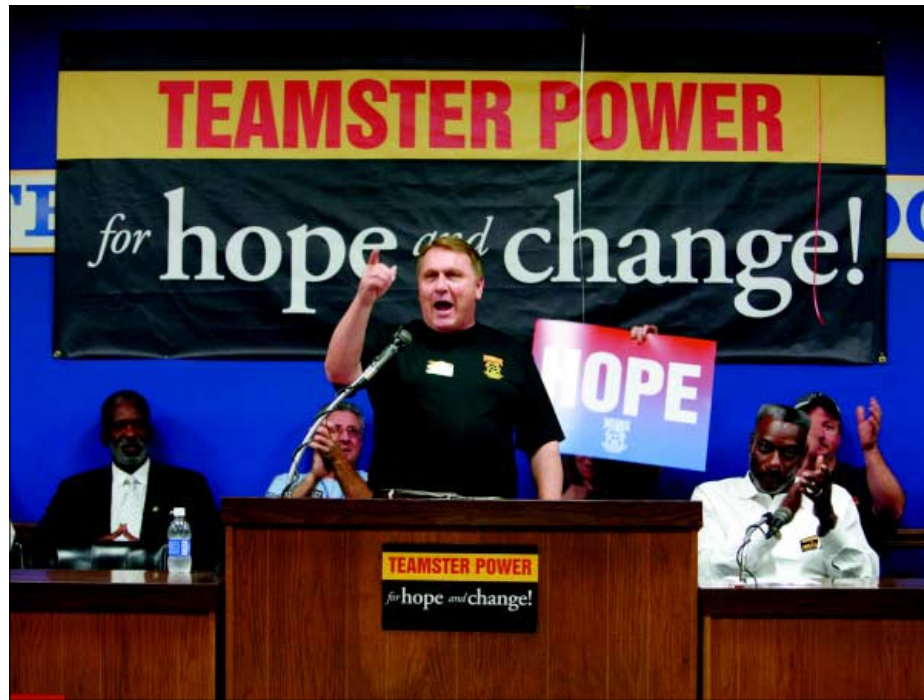
The National officers provided an update on Brotherhood business and participated in a question and answer session with the members.

Also, Keele said Vice President Tolman discussed the importance of the upcoming November elections. •

BLET NEWS

A message from Teamsters General President James P. Hoffa

The Employee Free Choice Act



As this year's election draws closer, we are going to hear a lot about how to improve our economy. After eight years of President Bush's policies, our government will need a plan to restore our economy to an engine that benefits all Americans, not just the wealthiest.

The Employee Free Choice Act, a law that would boost the power of America's workers, should be a key component of our economic overhaul. It has the potential to revitalize our middle class. Our next president should make signing it into law a top priority.

Simply put, the Employee Free Choice Act would make it easier for workers to form a union at their workplace. In turn, more workers could negotiate as equals with their employers for fair wages, benefits, working conditions and retirement security for them and their families.

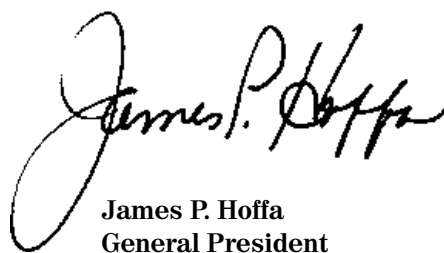
Union membership can make a major difference for a family. On average, workers who have a union at their workplace earn 28 percent higher wages than non-unionized workers, are 62 percent more likely to have employer-provided health coverage, and are four times as likely to have a pension. Our nation's history clearly shows that union membership is the best route to improving workers' pay rates and benefits. Unionized workers have a unified voice and the power to make a

difference in their workplaces

Intimidating or firing a worker simply because he or she is exercising their right to form a union is un-American, as are coercive one-on-one meetings between a manager and an employee he or she supervises. Yet these one-on-one meetings are legal under our current, company-dominated system. In these meetings, employers use their supervisory power to coerce—after all, a supervisor has great power over an employee's working conditions.

The Employee Free Choice Act ensures that the person who conducts a worker's job evaluations, sets his or her compensation, and even determines whether he or she keeps their job doesn't decide whether workers should form a union: workers make that decision.

Good paying jobs with affordable health care and a secure retirement are pillars of the labor movement. All Americans should have the means to secure these benefits. It's time to pass the Employee Free Choice Act.


James P. Hoffa
General President

AUGUST 2008 CALENDAR & EVENTS

OCTOBER 3... U.S. Railroad Retirement Board Informational Conference, Iowa & W.Va.

The U.S. Railroad Retirement Board will host two free informational conferences on October 3: one in West Des Moines, Iowa (Hampton Inn, 7060 Lake Drive) and one in Huntington, W.Va. (Ramada Limited, 3094 16th Street Rd.). Registration for each program begins promptly at 8 a.m. The conferences run from 8:30 a.m. to 12:30 p.m. Per Railroad Retirement Board request, elected BLET officials only!

OCTOBER 17... U.S. Railroad Retirement Board Informational Conference, Pittsburgh, Pa.

The U.S. Railroad Retirement Board will host a free informational conference at the Greater Pennsylvania Regional Council of Carpenters Union Hall, 650 Ride Rd., in Pittsburgh, Pa. Time of the meeting is the same as above.

OCTOBER 24... U.S. Railroad Retirement Board Informational Conference, Wichita, Kan.

The U.S. Railroad Retirement Board will host a free informational conference at the Holiday Inn Select, 549 S. Rock Road. Time of the meeting is the same as above.

JUNE 7-12, 2009... 82nd Annual Southeastern Meeting Association, Gatlinburg, Tenn.

The members of BLET Division 239 in Knoxville, Tenn., are hosting the 82nd annual SMA from June 7-12, 2009, at the Park Vista Hotel & Convention Center in Gatlinburg, Tenn. More information to come. In the meantime, please visit the Park Vista Hotel & Convention Center website, www.parkvista.com

JULY 5-9, 2009... 71st Annual Eastern Union Meeting Association, Philadelphia, Pa.

EUMA Arrangements Chairman Sean Simon is proud to host the 71st annual EUMA in historic Philadelphia. A room rate of \$169 per night has been secured at the Hyatt at Penn's Landing. More details to come soon. In the meantime, you may email Brother Simon at Sean3667@aol.com, or visit the Hyatt website, www.PennsLanding.Hyatt.com.

Advisory Board July Activity

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

National President Edward W. Rodziewicz—National Division office: General supervision of BLET activities; General office duties; Various correspondence & phone calls; President, Teamsters Rail Conference; Eastern Union Meeting Association, Huron, Ohio; CSX Northern Seniority District/SAA; UP-Southern Region GCofA mtg.

First Vice-President and Alternate President Paul T. Sorrow—Performed various duties in Office Administrator capacity; Various duties assigned to First Vice President; Various correspondence and telephone communications; General supervision of Special Representatives; 70th annual Eastern Union Meeting Association (EUMA), Huron, Ohio; Executive Committee mtg. with Tim Hagan, Cleveland.

National Secretary-Treasurer William C. Walpert—General supervision of BLET financial, record depts.; ND office; BLET Education & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; Safety Task Force; Meetings with vendors and financial institutions; Standard Building operations oversight; Eastern Union Meeting Association, Huron, Ohio; Union Pacific-Southern Region GCofA mtg., New Orleans, La.

Vice-President Richard K. Radek—ND Office; BLET Decertification Helpline services; Director of Arbitration Dept; National Railroad Adjustment Board (NRAB); Illinois Central; Wisconsin Central; Indiana Harbor Belt; METRA; Belt Rwy. of Chicago; Chicago Central & Pacific; Duluth, Missabe & Iron Range; Routine office duties, Chicago; Mediation Case A-13465, EJ&E, Chicago; Procedural PLB 7162 submission, BRC; Various NRAB prep. and submission; FRA Part 240.409 brief, UP-S; Prep., filing, EQAL 00-84; Mediation case A-13451, Cn/WC; NY Dock Section 4, implementing (coordination) agreement mtg., Cn/WC, DMIR, DW&P, Duluth, Minn.; PLB 7154 prep. & arbitration, Cn/IC, Chicago; Cn/IC sem-annual LM mtg., Cn/IC-Metra, Homewood, Ill; Div. 131 mtg., Hazel Crest, Ill.; PLB 7162 arbitration, BRC, Chicago; FRA Part 240.409 dockets this month: EQAL 00-84 (UP-S), 01-06 (CSX) and 01-18 (UP-N).

Vice-President Merle W. Geiger Jr.—Assigned to: BLET Trainmen's Department; Kansas City Southern; Texas-Mexican Rwy.; MidSouth Rail; Southrail; Gateway Western; CP Rail System/U.S.; Portland & Western RR; Great Western RR; Mtg. w/ LC Underhill and Portland & Western RR, Salem, Ore.; Mtg. w/ GC Hutson and Great Western RR, Windsor, Colo.; Mtg. w/ GC Clark and BLET Division 244, Laredo, Texas; Mtg. w/ GC Clark and Kansas City Southern, Laredo, Texas; Holiday; Vacation; Correspondence, research and general office duties.

Vice-President Stephen D. Speagle—Assigned to Burlington Northern Santa Fe, Montana Rail Link, Pacific Harbor Line, Missouri & Northern Arkansas (M&NA), National Wage/Rule Committee; General office duties; Vacation day; Holiday; Mtg. w. BNSF General Chairmen, Fort Worth, Texas; Public Law Board 7166, Fort Worth; Public Law Board 6854, Fort Worth; Mtg. w/ BNSF Labor Relations & operating officers, Denver; Division 94 mtg., Gillette, Wyo.

Vice-President E.L. "Lee" Pruitt—Assisted general chairmen & members of: UP-Western Lines; UP-Western Region; UP-Central Region; UP-Southern Region; UP-Tacoma Belt; Ft. Madison to Chicago NYD negotiations, UPCR & NR GCA, Omaha, Neb.; Office work, paper work, filing, telephone calls, etc.; Assisting general chairmen, UPRR, Tacoma Belt & STD; Eastern Union Meeting Association (EUMA), Huron, Ohio; Peer trainer negotiations, all UP GCAs, Omaha, Neb. (re: Peer trainer rate of pay); UPRR GCA meeting, New Orleans, La.

Vice-President & National Legislative Representative John P. Tolman—Assigned to BLET Washington, DC office; BLET Security Officer; General Office Duties, telephone, correspondence; Coordinate content of NLO website; Continued coordination w/ IBT Government Affairs Dept.; Coordinated PAC contributions; Eastern Union Meeting Association, Huron, Ohio; Mtg. w/ Railroad Subcommittee Majority Staff Director Jennifer Esposito and minority Staff Director Joyce Rose; Attended various fundraisers.

Vice-President Marcus J. Ruef—Assigned to Amtrak Long Island Railroad; Southeastern Pennsylvania Transportation Authority; New Jersey Transit; Port Authority Trans Hudson; Norfolk Southern (Northern Lines/W&LE); Norfolk Southern (Eastern Lines); Norfolk Southern (Southern Lines); Allegheny Ludlum Steel Co.; and Birmingham Southern; NS-N, assisting GC Davis, Moberly, Mo.; Global claims conference w/ NS, Moberly, Mo.; LIRR/NYAR, assisting GC Quinn with arbitration briefs; Paper work, correspondence, reports, phone calls, etc.; Advisory Board conference call, re: FMLA dispute status report; Southeastern Meeting Association, mock arbitration hearing/workshop; Montgomery, Ala.; W&LE contract certification ballot count, Moberly, Mo.; Study SBA 1063 cases; Brief VP Twombly on properties being transferred to him; SBA 1063, NS-N, Ft. Meyers, Fla.; Sign W&LE agreements, discuss safety program alternatives, Brewster, Ohio.

Vice-President Dennis R. Pierce—Assigned to all CSX General Committees—Eastern Lines, Western Lines, Northern Lines, Conrail (SAA/CSX-Northern District)—and Indiana Rail Road, Alabama State Docks; Eastern Union Meeting Association, Huron, Ohio; PLB 6610, CSX-E GCA, Lexington, Ky.; PLB 7209, CSX-N GCA, Houston, Texas; CSX BLET disputes resolution committee mtgs., Atlanta, Ga.; BNSF BLET seniority issue conference, Fort Worth, Texas; General office duties, filing, phone calls, etc.

Vice-President Mike Twombly—Assigned to Delaware & Hudson; Springfield Terminal; St. Lawrence & Atlantic; Montreal, Maine & Atlantic; Union Railroad; Birmingham Southern; New York, Susquehanna & Western; New England Central; South Buffalo Rwy.; Iowa, Chicago & Eastern; Indiana & Ohio; Indiana Southern; Louisville & Indiana; Meridian Southern; Talleyrand Terminal Railroad; Springfield Terminal conference; Eastern Union Meeting Association, Huron, Ohio; Springfield Terminal litigation, STB, National Division, Cleveland; D&H appeals preparation, assisting General Chairman; Springfield Terminal claims conference; Springfield Terminal, Pan Man Southern-I&O assistance.

Decertification Helpline

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