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Happy Holidays

This year marks the 18th annual running of the Canadian Pacific Railway Holiday Train, which raises money, food and awareness for local food banks and food shelves on its annual coast-to-coast journey. Two trains operate each year, with BLET members working on the train through the United States and our Brothers and Sisters with the Teamsters Canada Rail Conference (TCRC) working the train in Canada. The program has raised more than C\$12 million and 3.9 million pounds of food for communities along CP's routes in Canada and the northern U.S.

Photo: Canadian Pacific Railway



Rail Labor seeks mediation to settle national contract talks

Rail Labor's Coordinated Bargaining Group (CBG) released the following statement on December 5, 2016:

Despite our best efforts, collective bargaining with the major U.S. Class 1 railroads completely stalled late last week. Therefore, pursuant to the terms and conditions of the Railway Labor Act, we have today applied to the National Mediation Board (NMB) for the assignment of a federal mediator to assist in our negotiations.

This development is very disappointing, as the Unions



in the Coordinated Bargaining Group have been at the negotiating table for almost two years seeking a voluntary settlement. Throughout that time, the Unions have steadfastly maintained that the Carriers' original demands were unacceptable to our bargaining team, and would be found equally unacceptable by our collective membership.

Nevertheless, the Unions

went to the table last week with the intention of reaching a satisfactory voluntary settlement that would fairly address the needs of both sides, but that did not happen. Unfortunately, the railroads apparently believe that the national elections in November have tipped the labor-management balance in this country heavily in their favor, as they made clear that no reasonable and fair resolution is

any longer in the offing.

Our members have earned, and rightfully expect, a fair contract settlement that recognizes the fact that the industry continues to reap many billions in net profits annually. We have maintained from the outset that there is no reason not to bring these negotiations to a timely and equitable conclusion.

Instead, the railroads continue to demand extreme con-

cessions that would erode our members' standard of living and earned benefits. We cautiously anticipate that the involvement of the NMB will cause the industry to refocus on addressing the legitimate needs of the men and women whose labor generates their positive financial returns.

Additional information will be provided as developments warrant. @@

The Coordinated Bargaining Group is comprised of six unions: the American Train Dispatchers Association; the Brotherhood of Locomotive Engineers and Trainmen (a Division of the Rail Conference of the International Brotherhood of Teamsters); the Brotherhood of Railroad Signalmen; the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers; the National

Conference of Firemen and Oilers / SEIU; and the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers.

Collectively, the CBG unions represent more than 85,000 railroad workers covered by the various organizations' national agreements, and comprise over 58% of the workforce that will be impacted by the outcome of the current bargaining round.



BLET President's Message

Why we sought mediation
in National Negotiations **pg. 2**

Educational Info

How the Railway
Labor Act works **pg. 4**



A Holiday Tradition

CSX Santa Train makes
74th running **pg. 5**

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BLET PRESIDENT'S MESSAGE BY DENNIS R. PIERCE

A CALL TO ARMS: JOIN ME IN OUR NATIONAL CONTRACT FIGHT

In the days leading up to this month's Newsletter going to print, a major development occurred with our National Negotiations with the nation's freight carriers. As most of you are aware, on Monday, December 5, 2016, the Unions making up the Coordinated Bargaining Group served notice on the National Mediation Board requesting that they mediate our contract dispute with the freight carriers. It is important that all BLET members understand what has happened with our negotiations to get us to this point, as well as what will happen now that mediation has been invoked, and my message will key on both of those issues. It also is imperative that all BLET members understand the terms and conditions of the Railway Labor Act (RLA) that govern our actions in contract negotiations and this month's Newsletter also includes an explanation of the relevant portions of the RLA (see page 4).

For almost two years, the rail unions in our bargaining group, as well as all other rail unions, have been at the table making every effort to reach an agreement with the freight carriers that would respect the contributions that you make to the carrier's bottom line. We all know that those profits would not be possible without the hard work of the union-represented employees of the nation's freight carriers. When the bargaining round began railroad traffic was good, but that changed within a year of our negotiations starting. Not only did the nation's Class I carriers begin to furlough operating employees as a result of a downturn in business, they began to close shops, mothball low density rail lines and, in some cases, they even spun off portions of their properties to shortline carriers through leases and line sales. Many of these same carriers also served notices to change their operations, and in many cases long standing terminals lost their jobs and those employees were forced to relocate.

I am not sharing any new information with BLET's membership; you have lived through the



President Pierce, center, with BLET Secretary-Treasurers at a training class in Independence, Ohio, on September 15, 2016.

furloughs and operational changes that your employers have forced upon you. What is important to note in all of this is that history shows us the nation's railroads will find a way to get back to higher profits, and their actions so far make it more than clear that they intend to do that on the backs of their union-represented employees.

Our contract negotiations are no different. In the two years that we have been at the bargaining table, the carriers have never made a contract offer to any of the unions that we found acceptable. Not only were their offers unacceptable to the unions' bargaining teams, it is clear to me that they also would have been unacceptable to the membership. The level of concessions that were demanded on our Health and Welfare benefits were way beyond anything any of the rail unions had seen in decades. And to add insult to injury, the General Wage Increases they offered were so low that in some cases they would not even have been enough to offset the additional Health and Welfare costs. When business declined the carriers' offers went from bad to worse, and totally unacceptable demands were made to change our work rules in ways that would have our membership doing more work for less money. We have been crystal clear with the carriers that you would never accept or ratify their demands.

It is important for all BLET members to understand not only

what has happened to date, but why it happened. The carriers' unwillingness to treat us fairly was not because of any failure of the participating rail unions to put forward reasonable settlement proposals that reflected what our membership expect. Quite to the contrary, we made it clear that improvements in our Health and Welfare plan and fair wage increases is what our members not only wanted, it is what they have earned. We also argued for improvements to our work rules, including real improvements to mitigate fatigue, and a national agreement to once and for all put an end to the carriers' outrageous attendance policies.

Whether you are an Independent, a Republican, or a Democrat, it should be clear to all involved that the carriers delayed reaching a settlement until they knew the results of the November Presidential election. One of the weaknesses of the bargaining terms and conditions of the RLA is that either side can delay settlement, as the Carriers did throughout 2015 and 2016. We sought a fair agreement for that entire period; it was clear early on that the Carriers intended to delay until now.

In the weeks preceding the election, our meetings with the carriers showed some potential of a reasonable settlement, but that was when the polls favored Secretary Clinton. Early on November 9th it became clear that Mr. Trump had been elected, and

before I share how that impacted our negotiations, I think it is important for us all to recognize what happened within our union on election day.

In the year preceding the election, I spent many weeks on the road meeting with member groups. I attended Division meetings, General Committee meetings and State Legislative Board meetings, as well as our regional meetings. I interacted with several hundreds of BLET members, and asked them all to share with me their feelings and opinions on how their employer was treating them, as well as how the outcome of the November elections might impact that. Well before the election, it was clear to me that many of BLET's members were outraged by the way that their employers were treating them, and they were equally outraged that our union has been unable to stop that treatment. Whether it be the carriers' excessive disciplinary policies, including heavy handed attendance policies, or the complete disregard for lineups and the resulting impact on our quality of life, BLET's members are tired of the way things are. Adding to that frustration is the fact that under the governing provisions of the RLA, most if not all of the grievances that frustrate our membership are deemed to be minor disputes that can only be addressed through arbitration. Without belaboring the point, there is a growing feeling that the arbitration provisions of the

RLA have failed rail labor on many fronts, and the end result is a disenchanted membership who wants things to change.

It also became clear to me earlier in the year that many BLET members, and many other unionized rail employees, felt so disenfranchised that they were willing to give Mr. Trump a chance. The message that Trump put out during the campaign was attractive to many working and middle class Americans. Many of these Americans feel that the system has left them behind for any number of reasons, and the promises that Trump made led them to believe that he would improve the working class's lot in life. Although this is not based upon hard data, it is safe to conclude that a significant portion of BLET's membership — perhaps over half — voted for Mr. Trump, and in some locations it was much higher. I fully understand this vote of frustration, as I too am completely frustrated with the nation's railroads and their treatment of our membership. In the end, many of BLET's members who voted for Mr. Trump now feel that they won; they are certain that they will be treated better in the workplace, including the terms of their upcoming contract.

The part that may be lost on many of our members, however, is that the railroads also were frustrated. They were frustrated by President Obama's administration, especially when it came

CONTINUED ON PAGE 4 ➡

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 poli-

cy 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

INFRASTRUCTURE INVESTMENT IS COMMON SENSE GOAL

After the November election results, there may be a lot of issues off the table. But one that remains a strong possibility is a badly-needed increase in infrastructure investment.

President-elect Trump has repeatedly called for more to be done to improve roads, rails and airports. And the Teamsters agree. Back in September 2015, the union released its "Let's Get America Working" plan that called for greater spending to improve the nation's transportation, energy and water systems. Now it's time to make it happen.

So why infrastructure? Because infrastructure jobs, unlike those in other sectors, can't be outsourced. They improve living standards for all Americans, including the men and women who help to repair and maintain roads, bridges, ports, airports

and mass transit systems, along with those who earn a living transporting goods and the vast majority of Americans who use our transportation networks every day.

To adequately maintain our transportation systems, the Congressional Budget Office says an additional \$13 billion a year needs to be invested by federal, state and local governments. However, surface transportation investment actually has declined at all levels of government between 2002 and 2012, when adjusted for inflation. Meanwhile, the American Society of Civil Engineers estimates that \$3.6 trillion should be spent on all infrastructure by 2020 to get the U.S. back on track.

There was a time when building infrastructure and improving job training and education weren't partisan issues — they

were American values, something we all could support. There needs to be a return to that way of thinking. This country's future depends on it.

Rebuilding, repairing and reinvestment doesn't just need to be about transportation, energy and water projects — it can be about rebuilding and repairing the trust between government and workers by reinvesting in the people that have and can continue to make this country great. Better pay will lead to more spending and improve our quality of life. That way we all win.

Now is the time to build, repair and maintain America!

Fraternally,

JAMES P. HOFFA
TEAMSTERS GENERAL
PRESIDENT



66 Rebuilding, repairing and reinvestment doesn't just need to be about transportation, energy and water projects — it can be about rebuilding and repairing the trust between government and workers by reinvesting in the people that have and can continue to make this country great. 99

Hoffa-Hall reelected to five year term to lead union; Vice Presidents, Trustees also elected

International Brotherhood of Teamsters General President Jim Hoffa, General Secretary-Treasurer Ken Hall, International Vice Presidents At-Large, International Trustees and International Vice Presidents in the Eastern, Southern and Central Regions were elected on November 18 in the 2016 Election of International Union Officers, according to unofficial results provided by the Office of the Election Supervisor. International Vice Presidents in the Western and Canadian Regions were elected by acclamation at the 2016 International Convention in June.



James P. Hoffa



Ken Hall

"This was a hard-fought campaign and a historically close election," Hoffa said. "Though we have many challenges before us, now is the time to join together as brothers and sisters and stand strong against those who would destroy the labor movement and deny worker's the gains they have struggled to achieve. We will continue to lead the fight to organize the unorganized, ensure strong health care, good wages, a secure retirement and holding employers and politicians accountable."

Hoffa first took office following his victory in December 1998 and was re-elected in 2001, 2006 and 2011. By winning this week, Hoffa is elected to another five-year term that will begin in mid-March 2017.

Hoffa and Hall pledged to continue the progress the Teamsters have made in national bargaining, organizing and political action. "2017 will be a watershed year for Teamsters and for this nation," Hall said. "The Teamsters Union will continue to be a force for change and will lead our nation in efforts to improve the lives of working families."

The unofficial vote results can be viewed at www.ibtvote.org. ©©

IN ADDITION TO HOFFA AND HALL, THE 2017-2022 INTERNATIONAL BROTHERHOOD OF TEAMSTERS GENERAL EXECUTIVE BOARD MEMBERS ARE:

International Vice Presidents At-Large:

- » **Greg Floyd**, President, Local Union 237, New York, NY
- » **George Miranda**, Secretary-Treasurer, Local Union 210, New York, NY
- » **John F. Murphy**, Secretary-Treasurer, Local Union 122, Boston, MA
- » **Fred Potter**, President, Local Union 469, Hazlet, NJ
- » **Fred Simpson**, President, Brotherhood of Maintenance of Way Employees, Novi, MI
- » **George Tedeschi**, President, Graphic Communications Conference, Washington, DC
- » **Steve Vairma**, Secretary-Treasurer, Local Union 455, Denver, CO

Canadian Region Vice Presidents:

- » **Francois LaPorte**, President, Teamsters Canada, Laval, QC

- » **Stan Hennessy**, President, Local Union 31, Delta, BC
- » **Craig McInnes**, President, Local Union 938, Mississauga, ON

Western Region Vice Presidents:

- » **Rome Aloise**, Secretary-Treasurer, Local Union 853, Oakland, CA
- » **Ron Herrera**, Secretary-Treasurer, Local Union 396, Covina, CA
- » **Rick Middleton**, Secretary-Treasurer, Local Union 572, Carson, CA

Eastern Region Vice Presidents:

- » **Bill Hamilton**, President, Local Union 107, Philadelphia, PA
- » **Dan Kane, Sr.**, Local Union 202, New York, NY
- » **Sean O'Brien**, President, Local Union 25, Boston, MA

Central Region Vice Presidents:

- » **Bill Frisky**, Secretary-Treasurer, Local Union 964, Brook Park, OH
- » **Tony Jones**, President, Local Union 413, Columbus, OH
- » **Bob Kopystynsky**, Local Union 710, Mokena, IL
- » **Avral Thompson**, Vice President, Local Union 89, Louisville, KY

Southern Region Vice Presidents:

- » **John Palmer**, Local Union 657, San Antonio, TX
- » **Kimberly Schultz**, President, Local Union 2011, Sarasota, FL

International Trustees:

- » **Jim Kabell**, Secretary-Treasurer, Local Union 245, Springfield, MO
- » **Kevin D. Moore**, President, Local Union 299, Detroit, MI
- » **Denis Taylor**, President, Local Union 355, Baltimore, MD

PRESIDENT PIERCE MESSAGE

CONTINUED FROM PAGE 2

to new legislation and regulations. Be it PTC, crew size, or any of the improvements to our workplace found in the regulations that implemented the Rail Safety Improvement Act of 2008, the carriers have fought tooth and nail to block all new forms of government safety oversight and accountability. When Mr. Trump was elected, much like many of the BLET's members, the carriers feel that they won; they are certain that they will not have to treat you better in the workplace, and that includes any obligation to give you a fair contract. That is where things stand now — a classic stalemate that prevents the parties from reaching a fair contract settlement.

At our first meeting after the election, your negotiating team made it clear to the nation's freight carriers that an unprecedented number of their employees had voted for Trump because they felt that he would stop the railroads from abusing them. We made it clear that, for many of our members, expectations were higher after the election than before, making it even harder to ratify anything less than a fair contract offer. Regardless of who you personally voted for, you should know that our comments fell on deaf ears. It is clear that the CEOs

of the nation's freight carriers feel that they have little to lose by exhausting the provisions of the RLA with President-Elect Trump in office to appoint what they expect to be a management friendly Presidential Emergency Board (PEB) sometime next year.

As a result of all of this, and as I write this piece, nearly all of the involved rail unions are now in mediation with the National Mediation Board managing that process. The RLA requires that the parties attempt to mediate their contract differences before either side can exercise "self-help." Self-help to the carriers includes a lock out and/or the right to impose changes in rates of pay, rules and working conditions. On the union side, self-help includes the right to strike. But before either of those options is available to either side, the parties must attempt to reach a settlement mediated by the National Mediation Board. The current makeup of the three appointed members of the NMB is two Democrats and one Republican. That will almost certainly change before our dispute is resolved, so it is hard to know how long the parties will remain in mediation. In one worst case scenario, most of Rail Labor was held in mediation for up to nearly eight (8) years in a previous contract dispute with Amtrak. It is also noteworthy that the NMB ultimately answers to

the President, and he will have input on the process and its timeline. It is clear to us that the carriers want to expedite the mediation process in the hope that they will get this dispute to a management-friendly PEB in short order.

As for our efforts, your negotiating team has heard loud and clear that our membership will not voluntarily accept a less than fair contract offer that diminishes our health care plan, adversely changes work rules, and provides less than acceptable wage increases. Not now, especially when the expectations of our membership have exponentially increased day after day. Despite our best efforts, the carriers continue to require our members to manage and operate new and unproven technologies under threat of discipline. They give no regard to our increased productivity; instead they only push for more without offering any recognition for the past 30 years of crew size reductions resulting in fewer employees doing more work.

The carriers refuse to provide meaningful predictability on when we are expected to work, but continue to administer oppressive attendance policies that not only prevent our members from taking time off when they are fatigued; they also prevent our members from being home for family birthdays, holidays, grad-

uations and even funerals.

In the end, unless the National Mediation Board can convince the carriers to reach a fair settlement, we will arrive at the point where the Board will be required to proffer arbitration as a way to resolve the dispute. Accepting such a proffer would terminate our rights to self-help, and would place our dispute in the hands of someone not affected by the outcome.

Our Bylaws were changed in 1986 to require that your National President cannot accept such a proffer without first obtaining rank and file ratification. No BLE International or BLET National President has ever put that question to a vote in national freight negotiations since then, as it is obvious that our membership will not give up its right to strike in return for arbitration. The right to strike is your ultimate right to economic strength and, absent some dramatic change that I don't see on the horizon, I can tell you now that I will reject any proffer of arbitration.

If we can't achieve a fair and equitable contract that is worthy of your consideration through mediation, the prospects for which seem very slim right now, our bargaining dispute will reach a "final" cooling-off period, after which both sides would have the legal right to exercise self-

help. I cannot speak for what the carriers will do when they gain that right, but I can assure you that I am convinced that the only leverage that we have is the economic strength of a strike. When we legally reach that point, I fully intend to authorize that strike, and to join the membership on the picket line as we all act in solidarity.

Should that occur, I will be calling on all affected BLET members to join in our efforts as our strength is in our numbers. Having said all this, there is one piece that we must all recognize. Under the RLA, there is only one person who can take away our legal right to exercise our economic strength through striking. That person is the President of the United States of America, and the President exercises his right to do so by appointing a Presidential Emergency Board. When the time comes, I will be personally calling on President-Elect Trump not to interfere in our dispute with the carriers. I also will be asking all of you to do the same.

As I have said in the past, I cannot guarantee the outcome of this dispute, but I can guarantee you that your National Negotiating Team is working for you and we will fight the carriers' attempt to force you under a substandard contract with every ounce of our energy. @@

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99

BARGAINING HISTORY

BLET national contracts over the past 50 years

SECTION 6 NOTICE	AGREEMENT DATE
November 2, 2009	January 5, 2012
December 16, 2004	July 1, 2007
November 1, 1999	December 16, 2003
November 1, 1994	May 31, 1996
June 30, 1988	November 29, 1991 (PEB 219 imposed by Congress)
January 3, 1984	May 19, 1986 (Arbitration Award 458)
January 26, 1981	September 29, 1982 (PEB 194 imposed by Congress)
January 20, 1977	July 26, 1978
September 16, 1974	March 6, 1975
January 1, 1973	April 27, 1973
November 24, 1969	May 13, 1971
April 30, 1968	March 10, 1969
May 18, 1966	June 22, 1967
November 2, 1959	June 25, 1964

HOW THE RAILWAY LABOR ACT WORKS

National collective bargaining between rail labor and management is governed by a specific federal law, the Railway Labor Act of 1926. The RLA and its amendments spell out the process of bargaining that eventually leads to each new contract. Negotiations can take months or years because of the many steps (some of which have time limits while others do not) available to both parties. This flowchart illustrates how rail labor and management reach agreement on rates of pay and work rules.

STEP 1: Notice is served under Section 6 of the Railway Labor Act by either party (usually called "Section 6 Notices").

STEP 2: reply required within 10 days setting time, date of initial conference, which must be held within 30 days.

STEP 3: Negotiations begin. No time limit.

STEP 4: Agreement reached through negotiations. If not, go to Step 5.

STEP 5: Within 10 days after conferences end either party may request National Mediation Board (NMB) mediation or NMB may proffer mediation.

STEP 6: If mediation not requested or proffered within 10 days, then parties may exercise self-help (strike by labor or lockout by management).

STEP 7: Agreement reached through mediation. If not, go to Step 8.

STEP 8: NMB proffer of binding arbitration is made by NMB.

STEP 9: Agreement reached through accepting binding arbitration. If not, go to Step 10.

STEP 10: Self-help (strike or lockout) can begin following 30-day "cooling off period" after NMB notifies both parties that proffer of arbitration was refused.

STEP 11: NMB may notify President that it believes dispute will interrupt interstate commerce.

STEP 12: President may appoint an emergency board if he/she agrees with NMB.

STEP 13: Presidential Emergency Board (PEB) conducts hearings and issues recommendations to President within 30 days.

STEP 14: Agreement reached based on PEB report. If not, go to Step 15.

STEP 15: Indefinite strike or lockout permitted after second cooling off period concludes 30 days after PEB issues recommendations. Agreement may be reached.

STEP 16: If no agreement, then settlement can be legislated by Congress.

Annual CSX Santa Train makes 74th running

The 74th annual CSX Santa Train ran safely and on-time again in 2016, thanks in large part to a member of the Brotherhood of Locomotive Engineers and Trainmen.

Every November, Santa Claus trades in his sleigh and reindeer for a CSX train ride through Appalachia. On November 19, Santa and his elves distributed nearly 17 tons of donated gifts to children of all ages at 14 stops in rural communities in eastern Kentucky, southwest Virginia, and eastern Tennessee. The 110-mile journey begins at Shelby Yard in Pikeville, Ky., and runs south to Kingsport, Tenn.

The Santa Train is sponsored by CSX, Dignity U Wear, Food City, and the Kingsport Chamber of Commerce.

In addition to Santa, this year's

special guest was country music star Darryl Worley, who distributed gifts along the route and performed a concert in Kingsport, Tenn., at the end of the train's route.

The members of BLET Division 781 (Erwin, Tenn.) have historically worked as engineers for the Santa Train. Those proud BLET members are intimately familiar with the many challenging hills and curves along the route from Pikeville to Kingsport. They are uniquely qualified to operate trains along the territory and are extremely proud of their contributions to the Santa Train heritage.

The honor of running the 74th annual Santa Train went to Brother H.S. (Scott) Steffey, a member of Division 781 for nearly 20 years. He first joined the BLET on January 1, 1997. @@



Country music star and celebrity guest Darryl Worley and his family join Santa on the back of the train.



Volunteers from CSX and the Kingsport Chamber line up inside the train with toys and blankets to deliver to families along the route.



A volunteer from CSX delivers bags filled with gifts for children, personalized to different ages and genders.



Santa hands out gifts from the back of the 74th annual Santa Train.

Photos: Ed Rode

Craver reelected Virginia State Legislative Board Chairman

Brother Timothy R. Craver of BLET Division 532 (Richmond, Va.) was reelected by acclamation to his third full term as Chairman of the Virginia State Legislative Board at its quadrennial meeting on October 27, 2016, in Richmond, Va.

A CSX locomotive engineer, Brother Craver hired out with CSX in January 1997. He earned promotion to locomotive engineer in 1997 and joined the Brotherhood effective December 1, 1998. He has served Division 532 as legislative representative for several terms since that time. In 2007, Brother Craver began serving as Chairman of the Virginia State Legislative Board and was subsequently reelected at quadrennial meetings in 2008, 2012 and now 2016.

Also, elected during the 2016 quadrennial meeting were: 1st Vice Chairman Marlon B. Ward, Division 38 (Clifton Forge, Va.); 2nd Vice Chairman, David W. Bateman, Division 456 (Norfolk, Va.); Secretary-



Officers, members and guests attending the Virginia State Legislative Board's quadrennial meeting in Richmond, Va., on October 27, 2016.

Treasurer, Jeffrey E. Wood, Division 26 (Richmond, Va.); and Alternate Secretary-Treasurer Theodore L. Filer, Division 143 (Manassas, Va.). Brother Wood has served the Board as Secretary-Treasurer since 2005.

"I congratulate Brother Craver and all members of the Virginia State Legislative Board, and I thank them for their willingness to serve our Brotherhood," BLET National President Dennis R. Pierce said. "Even though the national election just concluded on November 8, these Brothers will have much work to do in educating members of the House and Senate about our issues prior to the 2018 election."

Brother Herbert Harris Jr., Chairman of the BLET's District of Columbia Legislative Board, was a special guest at the meeting.

"It is a privilege and honor to be allowed to continue in my service to the BLET and its members here in Virginia," Brother Craver said. "We have a dedicated team on my Board that will represent the members of Virginia." He also extended a special thank you to BLET Auxiliary Member Sheri Wood for her commitment and dedication to the BLET's Virginia State Legislative Board.

The Virginia State Legislative Board represents 11 Divisions and approximately 950 members. @@

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RRB appeals procedure

Persons claiming retirement, disability, survivor, unemployment or sickness benefits from the Railroad Retirement Board (RRB) have the right to appeal unfavorable determinations on their claims. The following questions and answers describe the appeals process for persons whose claims under the Railroad Retirement Act or Railroad Unemployment Insurance Act are denied, or who are dissatisfied with decisions on their claims.

1 How does a person initiate a review of an unfavorable decision on a claim and what are the time limits?

For all claims under the Railroad Retirement and Railroad Unemployment Insurance Acts there is a three-stage review and appeals process within the RRB.

An individual dissatisfied with the initial decision on his or her claim may first request reconsideration from the RRB unit which issued that decision. An individual has 60 days from the date on which notice of the initial decision is mailed to the claimant to file a written request for reconsideration. This step is mandatory before an appeal may be filed with the RRB's Bureau of Hearings and Appeals.

In cases involving overpayments under the Railroad Retirement Act, an individual has the right to request waiver of recovery and also a personal conference. For cases involving overpayments under the Railroad Unemployment Insurance Act, if the case involves a benefit overpayment of more than 10 times the maximum daily benefit rate, the claimant may request a waiver of recovery. In order for recovery of the overpayment to be deferred while a waiver request is pending, the waiver request must be in writing and filed within 60 days from the date on which notice of the overpayment was mailed to the beneficiary. A request for waiver received after 60 days will be considered but will not defer collection of the overpayment, and any amount of the overpayment recovered prior to the date on which the waiver request is filed will not be subject to waiver.

2 What are the second and third stages of the appeals process and their time limits?

If dissatisfied with the reconsideration or waiver decision on a retirement, disability, survivor, unemployment or sickness claim, a person may appeal to the RRB's Bureau of Hearings and Appeals, which is independent of those units responsible for initial and reconsideration decisions. An appellant has 60 days from the date on which notice of the reconsideration or waiver decision notice is mailed to the claimant to file this appeal. This appeal must be filed using RRB Form HA-1, which may be obtained from the RRB's field offices or the agency's website, www.rrb.gov. The Bureau of Hearings and Appeals may, if necessary, further investigate the case and obtain reports through the RRB's field representatives, designated medical examiners, and others who may be in a position to furnish information pertinent to the appellant's claim. If the appeal involves questions of fact, the appellant has the right to an oral hearing before a hearings officer. In cases where an in-person hearing is held, it may be conducted in the RRB office closest to the appellant's home.



Photo: Chase Gunnoe

In some cases, video conferencing or phone hearings are held.

If not satisfied with the Bureau of Hearings and Appeals' decision, an appellant may further appeal to the three-member Board, which heads the agency, within 60 days from the date on which notice of the Bureau of Hearings and Appeals' decision is mailed to the appellant. The three-member Board ordinarily will not accept additional evidence or conduct a hearing.

3 What are the criteria applied to requests for waivers of retirement, disability, or survivor benefit overpayments, and unemployment or sickness benefit overpayments?

A person's obligation to repay any erroneous benefit payments may be waived only if the following conditions are met:

(1) The person was not at fault in causing the overpayment; and (2) recovery of the overpayment would cause financial hardship to the extent that he or she would not be able to meet ordinary and necessary living expenses, or recovery would be against equity or good conscience. "Against equity or good conscience" is defined in the regulations of the RRB as meaning that the claimant has, by reliance on the payments made to him or her, or on notice that payment would be made, relinquished a significant and valuable right or changed his or her position to his or her substantial detriment.

In cases involving unemployment or sickness benefits, there is an additional requirement that the overpayment must be more than 10 times the current maximum daily benefit rate.

Persons requesting waiver may be asked to complete a financial statement on a form provided by the RRB.

4 What happens if a person's appeal is not filed within the prescribed time limit?

Failure to request reconsideration or to file an appeal within the allocated time period will result in forfeiture of further appeal rights, unless there is good cause for the delay. Some examples of good cause include: serious illness; a death or serious illness in the appellant's immediate family; destruction of important or relevant records; failure to be notified of a decision; an unusual or unavoidable circumstance which demonstrated that the appellant could not have known of the need for timely filing or which prevented the appellant from filing in a timely manner; or the claimant thought that his or her representative had requested reconsideration or appeal. If good cause is not established, further appeal is forfeited, except that the appellant may contest the determination

that the request for reconsideration or appeal was not filed timely.

5 Are there avenues of appeal beyond the RRB?

Appellants dissatisfied with the three-member Board's final decision may then file a petition with the appropriate U.S. Court of Appeals to review the Board's decision. In cases involving retirement, disability or survivor claims, the petition for review must be filed within one year after notice of the three-member Board's decision has been mailed to the appellant. In cases involving claims for unemployment or sickness benefits, the petition for review must be filed within 90 days of the Board's decision notice.

6 Can employers contest the claims of their employees for unemployment and sickness benefits?

When an employer is a party to the claim for benefits, that employer may protest the payment of benefits, but such protests do not prevent the timely payment of benefits. However, an employee may be required to repay benefits if his or her 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.

7 Where can a person obtain retirement, disability, survivor, unemployment or sickness benefit appeals forms and assistance in completing the forms?

Requests for reconsideration of an initial decision must be in writing, but do not have to be on any specific form. The appropriate form for waiver of recovery of a benefit overpayment is ordinarily enclosed with the overpayment notice. As stated earlier, RRB Form HA-1, which must be used to appeal to the Bureau of Hearings and Appeals and the three-member Board, is available from the RRB's Bureau of Hearings and Appeals, 844 North Rush Street, Chicago, Illinois 60611-1275, or online at www.rrb.gov. This form can also be obtained from any RRB field office, as can assistance in filing a request for review at each of the administrative levels.

Persons wishing to contact an RRB field office can call the RRB's toll-free phone number at 1-877-772-5772. Claimants can also find the address of the RRB office serving their area by calling this toll-free number. Most RRB offices are open to the public on weekdays from 9:00 a.m. to 3:30 p.m., except on Wednesdays when offices are open from 9:00 a.m. to 12:00 p.m. RRB offices are closed on Federal holidays. Field office locations can also be found by visiting www.rrb.gov. ☺

News Briefs

NTSB UNVEILS TOP 10 'MOST WANTED LIST' FOR 2017-2018

On November 14, the National Transportation Safety Board (NTSB) unveiled its top 10 "Most Wanted" list of safety recommendations for years 2017 and 2018. The NTSB has issued the list annually for the past 26 years, and will be updating it on a biennial basis going forward.

The list of 10 recommendations for 2017-2018 is as follows:

- eliminating distractions;
- reducing fatigue-related accidents;
- preventing loss of control in flight in general aviation;
- improving transit-rail safety oversight;
- ending alcohol and other drug impairment in transportation;
- increasing implementation of collision avoidance technologies;
- expanding recorder use to enhance safety;
- requiring medical fitness of operators;
- strengthening occupant protection; and
- ensuring the safe shipment of hazardous materials.

BNSF TO STUDY COVERS FOR COAL CARS UNDER TENTATIVE LAWSUIT SETTLEMENT

The BNSF Railway will study the use of physical covers for coal and petroleum coke cars as part of a tentative settlement reached in federal court on November 15.

Several environmental groups had sued BNSF in Washington state, alleging that bits of coal and coal dust regularly escape BNSF trains while in transit from the Powder River Basin in Montana to export terminals along the Pacific coast. The lawsuit alleged that the coal spillage violates the Clean Water Act by polluting waterways throughout the state.

In addition to studying the covers, BNSF also agreed to pay \$1 million for various environmental projects in Washington and to clean up specific "hot spots" where coal has accumulated near waterways. As part of the settlement, the railroad denied that it violated any federal environmental laws.

CALIFORNIA BULLET TRAIN OFFICIALS COMMIT TO BUY AMERICAN PROVISIONS

In early November, the Federal Railroad Administration disclosed that the California High-Speed Rail Authority was seeking exemptions from the Buy American Act as it seeks to acquire train sets for its Los Angeles-San Francisco bullet train project.

If granted, the exemption would have allowed the Authority to purchase foreign-made train parts, such as motors, gearboxes, axles, wheels, brakes, derailment mitigation devices, undercarriages, and the entire aluminum car body shells.

After intense media scrutiny and a public outcry, the California HSR officials rescinded their request and decided to stick with Buy American after all.

GA-46000 LIFETIME MAXIMUM ADJUSTED FOR 2017

The lifetime maximum benefit for the Railroad Employees National Early Retirement Major Medical Benefit Plan (also known as ERMA or GA-46000) will increase from \$151,600 to \$157,800 on January 1, 2017.

At the end of 2001, Labor and Management agreed on various procedures to administer the annual changes in the amount of the lifetime maximum benefit under the ERMA plan. In conjunction with the formula established in 2001, a new lifetime maximum was calculated for 2017 by utilizing the October 2016 consumer price index (CPI) data for Hospital and Related Services and Physician Services.

Additionally, for individuals who have reached the lifetime maximum, the incremental maximum available is applied to eligible expenses submitted for dates of service on or after the effective date of the new maximum. For 2017, this amount will be \$6,200.

This change will apply to all railroads and crafts participating in ERMA. ☺

Cadogan elected Chairman of Massachusetts State Legislative Board

Brother Daniel M. Cadogan of BLET Division 57 (Boston, Mass.) was elected by acclamation to his first full term as Chairman of the Massachusetts State Legislative Board at its quadrennial meeting held at the Teamsters Local 25 union hall in Boston Mass., on October 19, 2016.

Brother Cadogan hired out on December 17, 1997, as a trainman with Amtrak in Boston. He has been a locomotive engineer on the MBTA commuter railroad since February 2, 2005. Through competitive bidding for this privatized service, Brother Cadogan is currently employed by Keolis and that was preceded by Mass Bay Commuter Rail and Amtrak, respectively. He has held continuous membership in BLET Division 57 since February 1, 2006.

Also elected were: 1st Vice Chairman William S. Keay Sr., Division 57 (Boston,

"I am proud to congratulate Brother Cadogan and all officers of the Massachusetts State Legislative Board."
— Dennis R. Pierce, BLET National President

Mass.); 2nd Vice Chairman Christopher A. Roy, Division 57 (Boston, Mass.); Alternate 2nd Vice Chairman Mark A. Williams, Division 312 (Boston, Mass.); Secretary-Treasurer Joseph R. DeBartolomao, Division 112 (Greenfield, Mass.); and Alternate Secretary-Treasurer John P. Raymond, Division 57 (Boston, Mass.). Brother DeBartolomao has served the Board as S-T since February of 2008. Elected to serve as Trustees were: Joseph G. Eaton, Division 439 (Alston, Mass.); Mark A. Williams, Division 312 (Boston, Mass.); and Christopher A. Roy, Division 57 (Boston, Mass.).

BLET National President Dennis R. Pierce and Vice President and National Legislative Representative John P. Tolman represented the National Division

at the meeting. It was a homecoming of sorts for Vice President Tolman, who is a member of Division 57 and is a former Chairman of the Massachusetts State Legislative Board.

"I am proud to congratulate Brother Cadogan and all officers of the Massachusetts State Legislative Board," President Pierce said. "I also thank them for their willingness to serve our Brotherhood. I am confident they will do an excellent job representing the interests of our members throughout Massachusetts and New England. I also wish to thank outgoing Chairman Kevin Moore for his service to our Brotherhood."

Also in attendance were: Vincent G. Verna, BLET Director of Regulatory Af-

fairs; and George Newman, former Chairman of the Massachusetts State Legislative Board.

Brother Cadogan was serving the Board as a Vice Chairman immediately prior to his election as Chairman. He currently serves the 210 members of Division 57 in Boston as Local Chairman and Legislative Representative. He has spent over half of his nearly 20-year railroad career as a union officer, having served for several years as Vice Local Chairman and Local Chairman in the SMART-TD (former UTU) prior to joining the BLET.

The BLET's Massachusetts State Legislative Board represents six Divisions from four different railroads around the state (Keolis, Amtrak, CSX and Pan Am). Overall, the Board represents approximately 300 members from Massachusetts, Maine, New Hampshire, Vermont, Rhode Island and Connecticut. ☺☺

IN THE LINE OF DUTY

LARRY G. THOMAS

BLET member Larry G. Thomas, a member of Division 292 in Beach City, Ohio, was killed in a yard switching accident on November 6, 2016. He was 37 years old.

An employee of the Wheeling & Lake Erie Railroad (WLE), Brother Thomas hired out as a trainman in October of 2012 and earned promotion to locomotive engineer a short time later. He joined the Brotherhood effective February 1, 2013. According to media reports, Brother Thomas was operating a locomotive by remote control at the WLE yard in Brewster, Ohio, at the time of his death.

A veteran of the United States Army, Brother Thomas was an avid motorcycle and car enthusiast. He is survived by his wife Stephanie and three children: Tyler, 9, William, 6, and Alexis, 5. He is also survived by his mother, Darlene; a sister, Tabatha; two nieces; in-laws; and numerous friends and coworkers in his extended railroad family.

Brother Lonnie Swigert, Local Chairman of Division 292, reports that the Division has helped Stephanie set up a memorial fund through the Brewster Federal Credit Union to help the family with finances following their tragic loss. Anyone wishing to make a goodwill donation to help the family should make checks payable to "Stephanie Thomas" and mail to: Lonnie Swigert, 9394 Feed Springs Rd. SE, Urichville, OH 44683.

"On behalf of all men and women of the Brotherhood of Locomotive Engineers and Trainmen, I extend deepest sympathies to the family and friends of Brother Thomas," BLET National President Dennis R. Pierce said. "It is a tragedy for someone so young to be taken away from his wife and young children. Our most heartfelt thoughts and prayers are with them during this difficult time." ☺☺



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Locomotive Engineers And Trainmen News Brotherhood Of Locomotive Engineers And Trainmen

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Photo of the Month: November 2016

A TIME TO REFLECT: On a quiet winter's night, the 2016 Canadian Pacific Railway Holiday Train casts its reflection on the water as it travels just south of Port Henry, N.Y., on November 26, 2016. The holiday season is often a time to reflect upon life's many blessing as we prepare to head into the New Year. **Photo:** Gary Knapp



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 September 2016 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; Vacation; National Bargaining, Cleveland, Ohio; Florida State Legislative Board mtg., Tampa, Fla.; Division 216 mtg., Tampa, Fla.; Secretary-Treasurer class, Independence, Ohio; Legislative Representative class, Washington, D.C.

FIRST VICE PRESIDENT E.L. (LEE) PRUITT: National Duties include but not limited to: Shortline 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.; BLET regional meeting, Long Beach, Calif.; Union Pacific-Eastern District GCA mtg., Las Vegas.

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; Pension, STD, 457 plan Trustee; Division, General Committee and SLB monthly Trustee reports; Mtgs. with vendors and financial institutions; Publications Committee; Passenger Dept.; National Bargaining Committee; IBT Human Rights Commission; ND office work, Independence, Ohio; Vacation; Union Track implementation and training; National Bargaining, Cleveland; Secretary-Treasurer class, Independence, Ohio.

VICE PRESIDENT & NATIONAL LEGISLATIVE REPRESENTATIVE JOHN P. TOLMAN: Assigned to BLET Washington, DC office; General office duties, telephone and correspondence communications; Coordinate content of NLO website; Weekly PAC committee and legislative mtgs.; Labor Day breakfast, Boston; Massachusetts AFL-CIO mtg., Boston; Kansas State Legislative Board mtg., Kansas City, Kan.; Florida State Legislative Board mtg., Tampa, Fla.; Mtg. w/ FRA Administrator Sarah Feinberg, Washington, D.C.; BLET Legislative Representative class, Washington, D.C.; Retirement function for former Amtrak President & CEO Joe Boardman, Washington, D.C.; Mtgs. with over 150 Representatives and Senators during lobby day on Capitol Hill during LR class, Washington, D.C.; Various meetings and functions with Senators and Representatives, 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; Attend Division 520 mtg. w/ GC Reynolds, WC, Chicago; Assist GC Reynolds w/ discipline cases, WC, Chicago; Vacation; NRAB annual meeting, Chicago; NRAB Section 3 Committee mtg., Chicago; NRAB admin. and general office duties, 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.; Utah Railway Section 6 negotiations, Draper, Utah; UP-Eastern District PLB 7173, Kansas City, Mo.; UP-Southern Region PLB

7158, Estero, Fla.; Tacoma Belt Rwy. Section 6 negotiations, Tacoma, Wash.; UP-Western Region Article II, Switching Limits, 1971 National Agreement negotiations, Nampa.

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.; Holiday; Vacation; CAPS conference call; Inward-facing camera conference call, all CSX GCs; Meal allows and WLC roster, safety, conference call; CSX codification and wrap-up mtgs.; Jacksonville; Operation Red Block mtg., Detroit.

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.; Local Chairman's workshops w/ GC Holdcraft, Denver, Colo., and Ontario, Calif.; Attend BLET Divisions with GC Brown, Holdcraft and LaPrath, including Divisions 215, 256, 505, 458, 391.2 and 391.3, Denver, Colo.; Division 285 mtg. w/ GC Thurman, Thayer, Mo.; National Association of Railroad Referees conference, Chicago; PLB 7771 w/ GC Thurman, BNSF, Chicago; Capitol Hill lobbying w/ VP Tolman and BLET Legislative Representatives, Washington, D.C.

VICE PRESIDENT COLE W. DAVIS: Assigned to: Kansas City Southern (MidSouth Rail, South-Rail, 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.; Assist GC Spradlin w/ KCS issues; Assist GC Ladrig w/ Huron & Eastern issues; Assist GC Semenek w/ Soo Line, DM&E issues; Assist GC Moore w/ D&H and Springfield Terminal issues; Assist GC Silmon w/ Tex Mex issues; Assist GC Craddock w/ MidSouth issues; Assist GC Hogan w/ Louisville & Indiana issues; Fundraiser for Midwest Rail Craft Scholarship fund, Excelsior Springs, Mo.; Assist GC Semenek in mtgs. w/ CP on contract issues, Chicago; Assist GC Moore w/ St. Lawrence & Atlantic contract; Assist GC Moore w/ Springfield Terminal mediation, Raleigh, N.C.

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; Assist GC Dehart w/ PLB 7717, Norfolk, Va.; NS BLET agreement update w/ all NS General Chairmen, Atlanta, Ga.; National Association of Railroad Referees conference, Chicago; Assist GC Wallace w/ PLB 7574, Norfolk, Va.; Assist GC Fannon w/ PLB 7663, Norfolk, Va.

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; Vacation; Education & Training Dept. issues; Assist GC Sexton w/ New York & Atlantic contract talks, Long Island, N.Y.; Assist GC Dixon w/ SEPTA GCA issues; Secretary-Treasurer class, Independence, Ohio; Assist GC Nunziato w/ NMB A-13753, PATH; Legislative Representative class, Washington, D.C.

SAVE THE DATE:

2017 BLET REGIONAL MEETINGS

JUNE 5-9 • SAN ANTONIO, TEXAS

AUGUST 14-18 • MYRTLE BEACH, S.C.



FOR MORE INFORMATION, GO TO: WWW.BLETREGIONALS.ORG