

# THE LOCOMOTIVE ENGINEER NEWSLETTER • DECEMBER 1999

## BLE victory on VIA Rail

Arbitration award secures flow back of conductors to CN, dispels UTU rumors

In a major arbitration victory for the Brotherhood of Locomotive Engineers, the Canadian National Railway has been forced to accept the flow back of displaced former conductors and assistant conductors from VIA Rail.

After VIA Rail consolidated the crafts of conductor and locomotive engineer in 1997, there were various conductors who could not hold work under the new craft structure. Using a settlement negotiated in 1987, the BLE secured the rights of these individuals to "flow back" to CN as conductors.

However, CN refused to acknowledge the agreement and did not allow the flow back of the adversely impacted conductors.

BLE filed grievances on behalf of these individuals, arguing that CN had to accept them. VIA Rail, in the meantime, continued to pay full salary and pro-

vide full benefits to the displaced conductors and assistant conductors.

BLE General Chairman John Tofflemire estimates compensation to displaced conductors to be approximately \$12 million. Based on this decision, CN could be liable to VIA Rail for that amount.

The ruling, handed down by Arbitrator Michel G. Picher on November 25, reads in part as follows:

"In the circumstances the Arbitrator has no alternative but to find and declare that the refusal of CN to accept such conductors and assistant conductors back into its employment is in violation of Item 5(a) of the Transfer Agreement of March 6, 1987," Picher ruled.

"The Arbitrator therefore directs CN to comply

**En Francais**  
— Page 5

with Article G of the Special Agreement and Item 5 of the Transfer Agreement, and to permit conductors and assistant conductors affected by (VIA's) NEPO (New Era Passenger Operation) initiative to exercise their seniority rights to return to CN, forthwith."

Arbitrator Picher's ruling completely contradicts an incredible ruling issued by the Canadian Industrial Relations Board in October, in which it was alleged that the BLE failed to fairly represent all employees under the new craft structure.

The BLE officially filed its appeal of the CIRB decision on November 12, and the current ruling gives the BLE ammunition to strengthen the appeal.

Arbitrator Picher's ruling also debunks UTU ru-

See Flow-Back, Page 5

## H.R. 3091 mobilization Members urged to contact legislators at home during current winter recess

Even though Congress is in recess for the holidays, the Brotherhood of Locomotive Engineers is spearheading a mobilization drive to generate continued support of H.R. 3091 — an amendment to the Hours of Service Act that would greatly reduce railroad worker fatigue.

H.R. 3091 would guarantee up to three consecutive days off for railroad workers after they work, or are on call to work, for seven consecutive days. The three days off are optional for workers and they can work during that time if they wish. However, railroad carriers cannot force them to work during that time.

The BLE's mobilization effort encourages members, their wives, and GIA members, to contact their representatives in the House while they're at home for the winter recess.

The original idea for the legislation was developed

by BLE leadership and the legislation was introduced in the House by Congressman Steven LaTourette (R-OH).

When legislators left the Capitol for the winter recess, H.R. 3091 had 147 co-sponsors. At least 100 additional co-sponsors are required for the bill to have a realistic chance of being passed into law.

Congress will be back in session on January 22, 2000, and members are urged to contact their legislators while they are in their home districts during the current recess, urging them to support H.R. 3091.

Members can find out how to contact their legislator by checking the blue pages in their local telephone book, or by calling the Capitol switchboard at: (202) 225-3121.

What follows is a list of the 147 co-sponsors for the bill. BLE members are asked to call and/or fax these legislators with thanks for supporting H.R. 3091.

A second list of the 329 other legislators who have yet

to lend their support to this legislation follows the first. This second list is the focus group that the BLE mobilization effort will target.

The following list is the 147 co-sponsors of H.R. 3091:

AL, Hilliard, Earl F.  
AK, Young, Don  
AR, Dickey, Jay  
AR, Berry, Marion  
AR, Snyder, Vic  
AZ, Pastor, Ed  
CA, Frank, Barney  
CA, Lee, Barbara  
CA, Waxman, Henry A.  
CA, Roybal-Allard, Lucille  
CA, Matsui, Robert T.  
CA, Dixon, Julian C.  
CA, Millender-McDonald, Juanita  
CA, Sherman, Brad  
CA, Tauscher, Ellen O.  
CA, Pombo, Richard W.  
CA, Filner, Bob  
CO, Udall, Mark  
CT, Maloney, James H.  
FL, Meek, Carrie P.  
FL, Brown, Corrine  
FL, Mica, John L.  
FL, Canady, Charles T.  
FL, Hastings, Alcee L.  
FL, Diaz-Balart, Lincoln

See H.R. 3091, Page 4

## Transport unions commit to solidarity

On December 6 and 7, four unions met to discuss issues and methods of improving the working and living conditions of their memberships.

The BLE, its affiliated American Train Dispatchers Department, Brotherhood of Maintenance of Way Employees, and Transport Workers Union made specific commitments to work together collectively for such improvements and to develop an ever-closer relationship.

"These issues are the building blocks to a new alliance that will lead rail workers into the 21st Century," said BMWWE President Mac Fleming.

"We are pleased with the results and the determination of the parties in working to-

gether immediately on these critical issues. It builds a solidarity that has been lacking in Rail Labor for years," BLE President Ed Dubroski said.

"Working together voluntarily and collectively makes each union more able to provide for their members and starts a process which will lead to ever closer ties," said TWU President Sonny Hall.

"Our members need the backing of a larger group to advance their own interests and this kind of development will lead to such backing," said ATDD President Leo McCann.

Combined the unions represent over 200,000 transportation workers, 85,000 of whom are railroad employees in the United States and Canada. •

## BLE secures delay of Availability Policy

The Brotherhood of Locomotive Engineers has successfully secured a 60-day delay in the implementation of Burlington Northern Santa Fe's Availability Policy, BNSF Vice-General Chairman Pat Williams reported.

The 60-day delay will be used by the BLE and BNSF to conduct negotiations in hopes

of reaching an agreement that is acceptable to both parties.

BLE International Vice-President Don M. Hahs and BNSF General Chairmen John Mullen, Tim Murphy, Merle Geiger and Austin Morrison were instrumental in securing the 60-day delay.

See Availability Policy, Page 7



# LEGISLATIVE UPDATE

## DC Feedback

### 'Unforeseen Track Restrictions'

Have a question about federal laws, Federal Railroad Administration rules that impact your job, or about pending legislation governing our industry? Send it to:

D.C. Feedback

Brotherhood of Locomotive Engineers

10 G. Street N.E., Suite 480  
Washington, DC 20002

Or you can fax your questions to (202) 347-5237; or via e-mail to: [bledc@aol.com](mailto:bledc@aol.com).

The BLE's National Legislative Office does not have the answer at hand (such as a federal interpretation), they'll get back to you as soon as possible. Select questions and answers will be published regularly in the pages of the Locomotive Engineer Newsletter.

The topic of this month's DC Feedback is "Unforeseen Track Restrictions," or UFRs, and the hazard they present to employees by overriding protection offered by 49 CFR Part 214.321. We will also discuss how it relates to engineer certification.

Verbal temporary speed restrictions are not permitted under the recently implemented provision of 49 CFR 220.

Effective January 4, 1999, changes to 49 CFR Part 220 Subpart A, "Railroad Communications" become effective. Among the changes were provisions regarding mandatory directives. For an understanding of the implications of these changes, included are the following:

According to the new regulation, "mandatory directive" means any movement authority or speed restriction that affects a railroad operation. Clearly, a UTR falls within the meaning of a mandatory directive. In regard to the application of the regulation as it applies to mandatory directives, the following is a direct quotation of the rule:

#### "§220.61 — Radio transmission of mandatory directives

"(a) Each mandatory directive may be transmitted by radio only when authorized by the railroad's operating rules. The directive shall be transmitted in accordance with the railroad's operating rules and the requirements of this part.

"(b) The procedure for transmission of a mandatory directive is as follows:

"(1) The train dispatcher or operator shall call the addressees of the mandatory directive and state the intention to transmit the mandatory directive.

"(2) Before the mandatory directive is transmitted, the employee to receive and copy shall state the employee's name, identification, location, and readiness to receive and copy. An employee operating the controls of moving equipment shall not receive and copy mandatory directives. A mandatory directive shall not be transmitted to employees on moving equipment if such directive cannot be received and copied without impairing safe operation of the equipment.

"(3) A mandatory directive shall be copied in writing by the receiving employee in the format prescribed in the railroad's operating rules.

"(4) After the mandatory directive has been received and copied, it shall be immediately repeated in its entirety. After verifying the accuracy of the repeated mandatory directive, the train dispatcher or operator shall then state the time and name of the employee designated by the railroad who is authorized to issue mandatory directives. An employee copying a mandatory directive shall then acknowledge by repeating the time and name of the employee so designated by the railroad.

"(I) For train crews, before a mandatory directive is acted upon, the conductor and engineer shall each have a written copy of the mandatory directive and make certain that the mandatory directive is read and understood by all members of the crew who are responsible for the operation of the train. Mandatory directives which have been fulfilled or canceled shall be marked with an "X" or in accordance with the railroad's operating rules, and retained for the duration of the train crew's work assignment.

"(ii) For on-track equipment, before a mandatory directive is acted upon, the employee responsible for on-track safety shall have a written copy of the mandatory directive, and make certain that the mandatory directive is acknowledged by all employees who are responsible for executing that mandatory directive. The employee responsible for on-track safety shall retain a copy of the mandatory directive while it is in effect.

"(6) A mandatory directive which has not been completed or which does not comply with the requirements of the railroad's operating rules and this part, may not be acted upon and shall be treated as though not sent. Information

## NASLBC get Meany Center training



The BLE's National Association of State Legislative Board Chairmen (NASLBC) received several days of intense political training at the George Meany Center last month. They put their training to good use as they left the Meany Center Campus in Silver Spring, Md., to lobby on Capitol Hill. They contacted dozens of legislators regarding H.R. 3091, an amendment to reduce the Hours of Service Act. Their effort paid off as just a few short day later, Congressman Steven LaTourette (R-OH) introduced the bill in the House. Those who attended the Meany Center training are pictured above.

Front row, from left: Bill O'Brien, Ohio; Brent Boggs, BLE Political Affairs Coordinator, Washington D.C. Office; Robert A. Harvey, BLE Regulatory Research Coordinator, Washington D.C. Office; Dr. Elaine Reese, BLE Director of Tax Compliance, ID; Betty Child, Washington D.C. Office; Leroy Jones, Vice-President & U.S. National Legislative Representative; Tom Perkovich, Minnesota; J.T. Norris, Virginia; and James Keele, Kansas.

Second row: Brian Gallagher, Secretary-Treasurer, New York; Diz Francisco, legislative rep., Division 739 (Bakersfield, Calif.); Keith Luebke, Wisconsin; Tommy Mayne, Kentucky; Cathy Poole, GIA Southwest Regional Mobilization Coordinator; Kathy Fitzgerald, GIA Auxiliary 3 President; and Mabel Grotzinger, GIA Vice-President & U.S. National Legislative Representative.

Third row: Bruce Cushing, Massachusetts; Mickey Gage, Missouri; Perry Renfro, Oklahoma; John Hubbard, Mississippi; Steve Christian, First Vice-Chairman, Arkansas; Ken Kertesz, First Vice-Chairman, Pennsylvania; Raymond Holmes, Texas; George Last, Colorado; Dave Lavery, Florida; Bill Verdeyen, Indiana; and Randy Jenkins, First Vice-Chairman, Virginia.

Fourth row: Susan Doak, legislative rep., Division 623 (McCook, Neb.); Jim Worles, First Vice-Chairman, West Virginia; Darrell Blake, West Virginia; Raymond Taylor, Georgia; Jeff Ramage, Idaho; Bill Hunt, legislative rep., Division 88 (North Platte, Neb.); and Jimmy Chappelle, New Jersey.

Fifth row: Doug Horstman, Oregon; Terry Jones, Secretary-Treasurer, Wyoming; Craig Gilchrist, Montana; and Mike Muscha, North Dakota.

contained in a mandatory directive may not be acted upon by persons other than those to whom the mandatory directive is addressed."

One particular Class I railroad has a rule regarding Unforeseen Track Restrictions, but sometimes yellow warning flags are not displayed. The BLE believes these advance warning flags must be displayed. When a UTR is given to a train 30 to 40 miles in advance of the restriction, there should be sufficient time to permit flag placement. This seems reasonable considering track maintenance forces are likely to be within a few miles of the restricted area and generally can access the right-of-way by motor vehicle. The M-O-W forces usually are equipped with track flags. There are no federal regulations requiring the display of advance track flags warning of a restricted condition.

The FRA has addressed the safety concerns in regard to ensuring the Locomotive

Engineer receives advance warning for the provisions of Exclusive Track Occupancy (a different but somewhat related issue) wherein it is stated:

"§ 214.321 (c) The extent of working limits established through exclusive track occupancy shall be defined by one of the following physical features clearly identifiable to a locomotive engineer or other person operating a train or railroad equipment:

"(1) A flagman with instructions and capability to hold all trains and equipment clear of the working limits;

"(2) A fixed signal that displays an aspect indicating "Stop";

"(3) A station shown in the time-table, and identified by name and a sign, beyond which train movement is prohibited by train movement authority or the provisions of a direct train control system.

"(4) A clearly identifiable milepost sign beyond which train movement is prohibited by train movement authority or

the provisions of a direct train control system; or

"(5) A clearly identifiable physical location prescribed by the operating rules of the railroad that trains may not pass without proper authority."

The obvious intent of that portion of the regulation is to identify, with roadway features, a precise location and establish an identifiable visual cue to the Locomotive Engineer. This is a recognized and sound safety practice. It is the position of this office that the same practice be applied to advance warning for speed restrictions. Therefore, we are requesting the FRA investigate the practices of the railroads in regard to the potential safety benefit of the use of flags for advance warning of speed restrictions and the feasibility of requiring a time limit for placement of advance warning flags for Unforeseen Track Restrictions.



# Engineer training trips vital to safety

## Members protest UP policy on anniversary of Kelso accident

PORTLAND, Ore. — On the sixth anniversary of a fatal collision near Kelso, Wash., BLE members and their families held several safety demonstrations against the Union Pacific Railroad on November 11 in Portland, Ore., Seattle and Fife, Wash.

The locomotive engineers and their families were protesting a policy of Union Pacific management that denies locomotive engineers sufficient training trips over rail lines on which they have little or no operating experience.

“Union Pacific’s policy interferes with an engineer’s right to gain the necessary knowledge of the territory over which he or she operates,” said Ross Lehmann, Local Chairman of BLE Division 236 (Portland, Ore.). “Our trains haul hazardous materials and we are demonstrating for the public’s safety as well as our own safety.”

“This policy has the potential to cause another wreck like the terrible collision at Kelso, which resulted in the deaths of Larry Brooks, Tom Klein, Mark Poler, Kenny Mercer and Wayne Kronberger.”

On Nov. 11, 1993, five railroad employees were killed in a head-on collision near Kelso, Wash. Two of the victims were BLE Brothers Mark A. Poler,

41, and Wayne R. Kronberger, 40.

More specifically, the engineers were protesting the following:

- Union Pacific management has imposed a policy that allows engineers only two familiarization trips over the territory between Portland and Hinkle, Ore., then forces them to operate their train solo. Engineers require more than two trips to be safely familiar with the territory. The route is either 186 or 190 miles, depending on which route is used in Portland, either over the route next to Interstate 84 or through North Portland and the Kenton area.

- In some cases, engineers have been forced to operate trains after only two trips - when one of their qualifying trips between Portland and Hinkle was in a van on Interstate 84. In other instances, one of the trips was operating the garbage train to Arlington, Ore., which is 38 miles short of Hinkle.

- The insufficient standard has also been applied to all engineers, including newly promoted engineers with little operating experience. It has been applied to engineers learning new territory between Portland and Seattle. This is a 179-mile route, mostly over double-track BNSF lines with 60 to 80 train movements per day, including several passenger trains.

- As a result of the Union Pacific/Southern Pacific merger, management required the merging and expansion of the seniority territory of locomotive engineers working in the Seattle, Portland

**“The technology is there, but they just won’t spend the money to ensure the safety of the public and of the folks running the trains.”**

— Tom Frederick, Local Chairman of BLE Division 892 (Seattle)

and Eugene areas. The former Southern Pacific Eugene Yard has been closed and Locomotive Engineers have been forced to relocate to the Portland area.

The training trips are necessary for locomotive engineers who have relocated from other areas because they are not familiar with the territory. In addition, there has been an accelerated hiring and promotion of many new locomotive engineers, which is a direct result of the UP-SP merger. Safety is compromised because these new hires are not familiar enough with the route.

Repeated appeals to Union Pacific management have been met with silence. Union Pacific’s Portland Service Unit Superintendent, Ken Hunt, has refused to address the issue and has not responded to letters notifying him of the threat this policy poses to public safety and UP employees.

“Federal Railroad Administration regulations, Union Pacific’s operating

rules and the labor agreement between the Brotherhood of Locomotive Engineers and Union Pacific Railroad, all recognize the need for sufficient training trips,” said Mike Ashbridge, Local Chairman of BLE Division 277 (Portland, Ore.).

“Six years have passed since Kelso and we still do not have the Positive Train Separation System recommended by the National Transportation Safety Board,” said Tom Frederick, Local Chairman of BLE Division 892 (Seattle). “The technology is there, but they just won’t spend the money to ensure the safety of the public and the folks running the trains.”

Exactly one week after the BLE’s safety protests, two people were killed in an accident involving two Union Pacific freight trains in Alton, Iowa (see page 4 article). The NTSB reported that the accident could have been prevented had the railroad been using positive train separation technology. •

## Teamster strike turns violent as it enters seventh week

As the Teamsters’ strike against Overnite Transportation enters its seventh week, the once peaceful strike is turning violent, and Teamsters officials say the company is publicly underestimating the toll that the strike is taking.

The BLE, along with all of rail labor, continues to support our Teamster Brothers and Sisters in their battle against Overnite, which is a subsidiary of the Union Pacific Railroad.

The Teamsters Union received news on December 1

that William Wonder, an Overnite driver from Indiana, was shot and seriously wounded near Memphis, Tenn.

While this has been one of the most peaceful Teamster freight strikes in history, the Teamsters say Overnite Transportation has exhibited a propensity for inciting violence.

For example, Teamsters have received reports of Overnite employees carrying guns, knives pulled on union supporters, Overnite security running ambulatory pickets off

the road, Overnite drivers speeding out of gates at dangerous speeds, and Overnite workers attacking strikers and inciting fist-fights. In the last week of November, the Teamsters’ Local in Memphis was shot-up with 26 bullets from a small caliber weapon.

Overnite officials, who initially protested the strike had “no impact,” and later reported varying degrees of lost freight, are now confessing that they had been publicly underestimating the freight loss by up-

wards of 50 percent.

In early December, Overnite reported that freight volumes were down 6 percent. Overnite is now reporting that freight volumes have dropped almost 10 percent. Reports from Teamster Locals at the 140 Overnite terminals that are being struck indicate that Overnite’s freight volumes are down significantly more — as much as 38 percent.

The reality lies somewhere in-between — probably around

an 18 percent drop from freight volumes of this time last year — a significant amount for a company where less than half the workforce is unionized and has never had a contract.

Additionally, Overnite has now spent approximately \$26 million on its strike contingency plans — almost equal to its profits of \$27.6 million for the first three quarters of 1999 — all for the sake of defying the laws designed to protect America’s working families.

## BLE, UMWA forge partnership to protect West Virginia coal mines

The BLE continues to support the United Mine Workers of America as it battles a West Virginia court ruling that could cost thousands of coal miners — and railroad workers — their jobs.

A West Virginia Judge ruled that “mountaintop removal” coal mining violates portions of the Clean Water Act and the Surface Mining Control and Reclamation Act. As a result of this ruling, more than 100,000 jobs and various mining and transportation interests across the country could face elimination.

A bill was introduced in the U.S. Senate to halt action from being taken on this matter. The Byrd-McConnell mining amendment passed the U.S. Senate, but failed in the U.S. House of Representatives.

Senator Byrd has vowed to introduce the bill after the first of the year.

Action on this matter is important because while the ruling is characterized as affecting only surface mining, it will eventually affect all mining, according to a UMWA spokesman.

At a Capitol Hill rally prior to the Senate vote, BLE International President Edward Dubroski spoke of the strong relationship between the coal miners who “dig up the coal” and the railroaders who “transport it” to its final destination. He pledged the total support of the BLE and urged members to take action. Dubroski and Don Buchanan, Railroad Director of the the Sheet Metal Workers Union, were the

only two representatives of rail labor to speak.

The Transportation Trades Department of the AFL-CIO is strongly urging member action against this ruling. Members are asked to contact President Clinton and Vice-President Gore, along with members of Congress, and ask them to intervene on the behalf of the coal miners and railroad workers.

“I want to assure you and all members of the UMWA that the BLE will support your organization’s efforts to reverse this decision,” BLE International President Edward Dubroski wrote in a November 5 letter to UMWA President Cecil Roberts. “The BLE will stand united with UMWA in seeking a remedy to this devastating decision.” •



# BLE NEWS

## BLE member injured in head-on collision

ALTON, Iowa — A Union Pacific freight train from Minnesota slammed head-on into an empty grain train near this small northwest Iowa town, killing a conductor and the driver of a van that was parked by the tracks.

On November 18, five locomotives and 30 cars derailed between the two trains in the collision, said UP spokesman Mark Davis.

The accident occurred along Iowa 60 about 5 miles south of Alton, which is about 40 miles northeast of Sioux City. Both were Union Pacific trains.

The conductor of the freight train, Paul Schmidt, 23, of Boone, Iowa, was killed. The driver of the van, Dale Evans, 45, of Sioux City also was killed.

Jason Haller, 27, a member of BLE Division 369 (Minneapolis, Minn.), was the engineer on the freight train. He was taken to Orange City Hospital after suffering bruises. He was treated and released.

Davis did not know how fast the freight train was traveling, but the speed limit for trains in the area is 49 mph, he said.

"Railroad equipment is extremely heavy, and when you have a collision of this nature, it will be violent," he said.

National Transportation Safety Board officials said the accident could have been prevented if the railroad had implemented positive train separation technology.

"(Positive train separation) can stop a train automatically if there is a human error or a mechanical error," said NTSB spokesman Phil Frame. "We have asked the Federal Railroad Administration to require it. It has been on our 10 most-wanted list of safety recommendations for some time."

The positive train separation equipment includes a safety sensor that would cause trains to shut down or brake if they came too close to another train on the same rail line, Frame said.

The devices can use satellite technology or electronic transponders on the rail line to track train movements. Such devices are used in some Northeast rail lines and in metropolitan areas such as Chicago.

Evans was supposed to pick up two crew members of the empty grain train. According to Diana Deibler, a company spokeswoman, Evans had worked for two weeks for Cimarron Coach of Iowa, a West Des Moines-based van company.

"He was at a bad place at a bad time," sheriff's dispatcher Loren Wilken said.

Davis said a fire broke out, but it was extinguished. Of the cars that derailed, 14 were empty, 10 were filled with sand, three with grain and the others were carrying soybean oil, lard and frozen meat. All the derailed cars and three of the locomotives came off the freight train. •



Wreckage of the fatal Alton, Iowa, collision.

(Photo by Tim Hynds © 1999 The Sioux City Journal. Reprint with permission)

## Representatives targeted for H.R. 3091 mobilization effort

### H.R. 3091

Continued from Page 1

FL, Wexler, Robert  
 FL, Ros-Lehtinen, Ileana  
 FL, Deutsch, Peter  
 FL, Thurman, Karen L.  
 GA, Lewis, John  
 GA, McKinney, C. A.  
 GA, Bishop, S.D., Jr.  
 HI, Abercrombie, Neil  
 IL, Jackson, Jesse L., Jr.  
 IL, Costello, Jerry F.  
 IL, Evans, Lane  
 IL, LaHood, Ray  
 IL, Phelps, David D.  
 IL, Davis, Danny K.  
 IL, Rush, Bobby L.  
 IL, Blagojevich, Rod R.  
 IL, Lipinski, William O.  
 IN, Visclosky, Peter J.  
 IN, Hill, Baron P.  
 IA, Boswell, Leonard L.  
 KY, Lewis, Ron  
 KY, Whitfield, Ed  
 LA, Jefferson, William J.  
 MA, McGovern, James P.  
 MA, Neal, Richard E.  
 MA, Capuano, Michael E.  
 MD, Cummings, Elijah E.  
 MD, Wynn, Albert Russell  
 MD, Hoyer, Steny H.  
 ME, Baldacci, John Elias  
 MI, Dingell, John D.  
 MI, Kilpatrick, Carolyn C.  
 MI, Bonior, David E.  
 MI, Kildee, Dale E.  
 MI, Levin, Sander M.  
 MI, Barcia, James A.  
 MI, Stupak, Bart  
 MI, Stabenow, Debbie  
 MN, Oberstar, James L.  
 MN, Vento, Bruce F.  
 MN, Minge, David  
 MN, Peterson, Collin C.  
 MN, Luther, Bill  
 MN, Sabo, Martin Olav

MO, Skelton, Ike  
 MO, Danner, Pat  
 MO, Clay, William (Bill)  
 MO, McCarthy, Karen  
 MO, Emerson, Jo Ann  
 MO, Gephardt, R.A.  
 MS, Shows, Ronnie  
 MS, Thompson, B.G.  
 NV, Berkley, Shelley  
 NJ, Pascrell, Bill, Jr.  
 NJ, Payne, Donald M.  
 NJ, Smith, Christopher H.  
 NJ, LoBiondo, Frank A.  
 NJ, Holt, Rush D.  
 NJ, Menendez, Robert  
 NJ, Rothman, Steven R.  
 NJ, Andrews, Robert E.  
 NJ, Pallone, Frank, Jr.  
 NM, Udall, Tom  
 NY, Kelly, Sue W.  
 NY, Boehlert, S.L.  
 NY, LaFalce, John J.  
 NY, Gilman, Benjamin A.  
 NY, Walsh, James T.  
 NY, Serrano, Jose E.  
 NY, Nadler, Jerrold  
 NY, Weiner, Anthony D.  
 NY, Quinn, Jack  
 NC, Etheridge, Bob  
 NC, Clayton, Eva M.  
 NC, Watt, Melvin L.  
 NC, Price, David E.  
 OH, Ney, Robert W.  
 OH, Jones, S. Tubbs  
 OH, Traficant, J.A., Jr.  
 OH, Kaptur, Marcy  
 OH, Strickland, Ted  
 OH, Brown, Sherrod  
 OH, Kucinich, Dennis J.  
 OR, DeFazio, Peter A.  
 OR, Hoolley, Darlene  
 OR, Blumentauer, Earl  
 PA, Klink, Ron  
 PA, Hoeffel, Joseph M.  
 PA, Coyne, William J.  
 PA, Sherwood, Don  
 PA, Borski, Robert A., Jr.  
 PA, Weldon, Curt

PA, Doyle, Michael F.  
 PA, Murtha, John P.  
 PA., Holden, Tim  
 PA, Mascara, Frank  
 RI, Kennedy, Patrick J.  
 SC, Clyburn, James E.  
 SC, Spratt, John M., Jr.  
 TX, Johnson, E.B.  
 TX, Rodriguez, Ciro  
 TX, Green, Gene  
 TX, Gonzalez, Charles A.  
 TX, Lampson, Nick  
 TX, Sandlin, Max  
 TX., Brady, Robert  
 TX, Frost, Martin  
 TX, Bentsen, Ken  
 VA, Moran, James P.  
 WA, Metcalf, Jack  
 WA, Baird, Brian  
 WA, Smith, Adam  
 WA, Inslee, Jay  
 WA, Nethercutt, G.R., Jr.  
 WI, Obey, David R.  
 WI, Kind, Ron  
 WI, Baldwin, Tammy  
 WI, Barrett, Thomas M.  
 WI, Kleczka, Gerald D.  
 WV, Wise, Robert E., Jr.  
 WV, Rahall, Nick J., II  
 DC, Norton, E. Holmes

The following is a list of representatives who are not yet co-sponsoring H.R. 3091. BLE members are asked to contact them and urge them support it:

AL, Aderholt, Robert B.  
 AL, Bachus, Spencer  
 AL, Callahan, Sonny  
 AL, Cramer, "Bud", Jr.  
 AL, Everett, Terry  
 AL, Riley, Bob  
 AZ, Salmon, Matt  
 AZ, Shadegg, John B.  
 AZ, Stump, Bob  
 AZ, Hayworth, J. D

AZ, Kolbe, Jim  
 AR, Hutchinson, Asa  
 CA, Baca, Joe  
 CA, Becerra, Xavier  
 CA, Berman, Howard L.  
 CA, Bilbray, Brian P.  
 CA, Bono, Mary  
 CA, Calvert, Ken  
 CA, Campbell, Tom  
 CA, Capps, Lois  
 CA, Condit, Gary A.  
 CA, Cox, Christopher  
 CA, Cunningham, R.  
 CA, Dooley, Calvin M.  
 CA, Doolittle, John T  
 CA, Dreier, David  
 CA, Eshoo, Anna G.  
 CA, Farr, Sam  
 CA, Gallegly, Elton  
 CA, Herger, Wally  
 CA, Horn, Stephen  
 CA, Hunter, Duncan  
 CA, Kuykendall, Steven T  
 CA, Lantos, Tom  
 CA, Lewis, Jerry  
 CA, Lofgren, Zoe  
 CA, McKeon, H. P. "Buck"  
 CA, Martinez, M. G.  
 CA, Miller, Gary G.  
 CA, Miller, George  
 CA, Napolitano, Grace F.  
 CA, Ose, Doug  
 CA, Packard, Ron  
 CA, Pelosi, Nancy  
 CA, Radanovich, George  
 CA, Rogan, James E.  
 CA, Rohrabacher, Dana  
 CA, Royce, Edward R.  
 CA, Sanchez, Loretta  
 CA, Stark, Fortney Pete  
 CA, Thomas, William M.  
 CA, Thompson, Mike  
 CA, Waters, Maxine  
 CA, Woolsey, Lynn C.  
 CO, DeGette, Diana  
 CO, Hefley, Joel  
 CO, McInnis, Scott  
 CO, Schaffer, Bob

CO, Tancredo, Thomas G.  
 CT, DeLauro, Rosa L.  
 CT, Gejdenson, Sam  
 CT, Johnson, Nancy L.  
 CT, Larson, John B.  
 CT, Shays, Christopher  
 DE, Castle, Michael N.  
 FL, Bilirakis, Michael  
 FL, Boyd, Allen  
 FL, Davis, Jim  
 FL, Foley, Mark  
 FL, Fowler, Tillie K.  
 FL, Goss, Porter J.  
 FL, McCollum, Bill  
 FL, Miller, Dan  
 FL, Scarborough, Joe  
 FL, Shaw, E. Clay, Jr.  
 FL, Stearns, Cliff  
 FL, Weldon, Dave  
 FL, Young, C. W. Bill  
 GA, Barr, Bob  
 GA, Chambliss, Saxby  
 GA, Collins, Mac  
 GA, Deal, Nathan  
 GA, Isakson, Johnny  
 GA, Kingston, Jack  
 GA, Linder, John  
 GA, Norwood, Charlie  
 HI, Mink, Patsy T.  
 ID, Chenoweth-Hage, H.  
 ID, Simpson, Michael K.  
 IL, Biggert, Judy  
 IL, Crane, Philip M.  
 IL, Ewing, Thomas W.  
 IL, Gutierrez, Luis V.  
 IL, Hastert, J. Dennis  
 IL, Hyde, Henry J.  
 IL, Manzullo, Donald A.  
 IL, Porter, John Edward  
 IL, Schakowsky, J. D.  
 IL, Shimkus, John  
 IL, Weller, Jerry  
 IN, Burton, Dan  
 IN, Buyer, Steve  
 IN, Carson, Julia  
 IN, Hostettler, John N.  
 IN, McIntosh, David M.  
 IN, Pease, Edward A.

IN, Roemer, Tim  
 IN, Souder, Mark E.  
 IN, Visclosky, Peter J.  
 IA, Ganske, Greg  
 IA, Latham, Tom  
 IA, Leach, James A.  
 IA, Nussle, Jim  
 KS, Moore, Dennis  
 KS, Moran, Jerry  
 KS, Ryun, Jim  
 KS, Tiahrt, Todd  
 KY, Fletcher, Ernie  
 KY, Lucas, Ken  
 KY, Northup, Anne M.  
 KY, Miller, Harold  
 LA, Baker, Richard H.  
 LA, Cooksey, John  
 LA, John, Christopher  
 LA, McCrery, Jim  
 LA, Tauzin, W. J. (Billy)  
 LA, Vitter, David  
 ME, Allen, Thomas H.  
 MD, Bartlett, Roscoe G.  
 MD, Cardin, Benjamin L.  
 MD, Ehrlich, R.L., Jr.  
 MD, Gilchrest, Wayne T.  
 MD, Morella, C.A.  
 MA, Delahunt, William D.  
 MA, McGovern, James P.  
 MA, Markey, Edward J.  
 MA, Meehan, Martin T.  
 MA, Moakley, J. J.  
 MA, Olver, John W.  
 MA, Tierney, John F.  
 MI, Camp, Dave  
 MI, Conyers, John, Jr.  
 MI, Ehlers, Vernon J.  
 MI, Hoekstra, Peter  
 MI, Knollenberg, Joe  
 MI, Rivers, Lynn N.  
 MI, Smith, Nick  
 MI, Upton, Fred  
 MN, Gutknecht, Gil  
 MN, Ramstad, Jim  
 MN, Vento, Bruce F.



## CANADIAN SPOTLIGHT

## La FIL gagne haut-la-main dans la cause de VIA Rail

La décision arbitrale concrétise le droit de retour des chefs de train au CN et réfute les rumeurs des TUT

CLEVELAND, le 29 novembre — Dans une victoire arbitrale majeure pour la Fraternité des ingénieurs de locomotives, la Compagnie des chemins de fer nationaux du Canada a été forcée d'accepter le droit de retour d'anciens chefs de train et chefs de train adjoints déplacés de VIA Rail.

Après que VIA Rail ait consolidé les métiers de chefs de train et ingénieurs de locomotives en 1997, il y avait eu plusieurs chefs de train qui ne pouvaient plus détenir d'emploi sous la nouvelle structure du métier. En utilisant une entente négociée en 1987, la FIL a concrétisé les droits de ces individus « à retourner » au CN comme chefs de train.

Toutefois, CN a refusé de se conformer à l'entente et n'a pas permis le droit de retour des chefs de train lésés.

La FIL a déposé un grief de la part de ces individus, argumentant que CN devait les accepter. Entre-temps, VIA Rail a continué de payer le plein salaire et à fournir les bénéfices complets aux chefs de train et aux chefs de train adjoints déplacés, ce qui équivaut à environ \$12 millions selon John Tofflemire, président général de la FIL. Selon cette décision, CN pourrait être garant à payer ce montant à VIA Rail.

La décision rendue par Arbitre Michel G. Picher le 25 novembre se lit en partie comme suit:

« Dans ce cas, l'Arbitre n'a aucune alternative que de trouver et déclarer que le refus du CN d'accepter les chefs de train et chefs de train adjoints de retourner à son emploi, est une infraction à l'item 5(a) de l'Entente de transfert du 6 mars 1987 », a déclaré Picher. « Ainsi, l'Arbitre ordonne CN de se conformer à l'article G de l'entente spéciale et l'item 5 de l'entente de transfert, et de permettre aux chefs de train et chefs de train adjoints affectés par l'initiative « NEPO » (Nouveau service voyageurs) d'exercer leur droit d'ancienneté pour leur retour au travail au CN, immédiatement. »

La décision de l'Arbitre Picher démystifie les rumeurs des TUT que la FIL avait conclu une « entente secrète » avec VIA et réfute la déclaration du CCRI voulant que la FIL se soit engagée dans une « collaboration répréhensible » avec VIA Rail.

« Le dossier fourni à l'Arbitre est dépourvu de toute évidence qui suggère, encore moins établi, que la FIL a reçu de l'information au préalable ou un avis concernant les plans de VIA avant l'annonce de son initiative

« NEPO » en mars 1997 — ou que je vois quelque chose dans la conduite de VIA, ou de la FIL, pour établir les preuves de mauvaise foi dans l'implantation du « NEPO » qui annulerait l'application de l'Entente de transfert.

« Dans son ensemble, le dossier va à l'encontre de tout motif de collusion ou mauvaise foi en ce qui concerne la FIL; Picher a déclaré. « La relation entre la FIL et VIA dans les mois suivant immédiatement la certification de la FIL comme agent négociateur de tout le personnel itinérant est loin d'être constante avec la relation de faveur décrite entre la FIL et VIA. »

Une des raisons principales de la décision du CCRI était que la FIL avait représenté faussement les travailleurs en n'ayant pas réussi de concrétiser les postes de retour au travail au CN. Seulement 30 jours plus tard, la décision émise par Arbitre Picher détruit complètement la décision du CCRI.

« Ce n'est seulement que la première d'une série de décisions qui prouvera que la décision du CCRI était entièrement erronée », dit le Président international de la FIL Edward Dubroski.

« Le Conseil canadien des relations industrielles a conclu que nous n'avions pas représenté justement les travailleurs, lorsque nous l'avions fait — tel que démontré dans cette décision, » a dit le Directeur canadien de la FIL Gilles Hallé.

Le Président général de la FIL Mike Simpson a dit que l'expérience de l'Arbitre Picher dans les questions ferroviaires l'a aidé à prendre la bonne décision.

« Le mérite du retour au travail vient d'un individu qui a plusieurs années d'expérience et comprend la complexité de l'industrie ferroviaire car il traite des 2 agents négociateurs pour le personnel itinérant et les questions d'ancienneté entre les deux, » a dit Simpson. « À titre de comparaison, les constatations de la décision du CCRI sont d'un individu qui n'a aucune expérience ou connaissance spéciale de l'industrie ferroviaire. »

CN peut faire appel de la décision en déposant une demande de contrôle judiciaire à la Cour supérieure du Québec. Si CN choisit de faire appel, alors l'avocat de la FIL James L. Shields s'attend à ce que CN le fasse dans les prochaines 24 à 36 heures. •

## BLE's arbitration award major victory for former VIA conductors

## Flow-Back

Continued from Page 1

mors that the BLE struck a "secret agreement" with VIA, and refutes the CIRB claim that the BLE engaged in "improper collaboration" with VIA Rail.

"The record before the Arbitrator is devoid of any evidence whatsoever to suggest, much less establish, that the

BLE was given prior information or notice with respect to the plans of VIA prior to the announcement of its NEPO initiative in March of 1997 — nor do I see anything in the conduct of VIA, or of the BLE, to establish the elements of bad faith in the implementation of NEPO which would nullify the application of the Transfer Agreement.

"On the whole the record

is contrary to any pattern of collusion or bad faith as regards the BLE," Picher stated. "The relations between the BLE and VIA in the months immediately following the certification of the BLE as the bargaining agent of all running trades employees are far from consistent with the BLE and VIA being in a 'sweetheart' relationship."

One of the main pillars of

the CIRB decision was that the BLE misrepresented workers by failing to secure flow back positions at CN. Just 30 days later, the ruling issued by Arbitrator Picher completely destroys that portion of the CIRB decision.

"This is just the first in a series of rulings that will prove that the CIRB decision was completely erroneous," BLE President Ed Dubroski said.

"The Canadian Industrial Relations Board ruled that we failed to properly represent the workers, when we absolutely did — as seen by this ruling," BLE Canadian Director Gilles Hallé said.

CN has 30 days to appeal the decision by filing a Judicial Review Application to the Quebec Superior Court. CN had not appealed the decision as of press time. •

## Advisory Board November Activity

By action of the delegates at the Fifth Quinquennial Convention, summaries of BLE Advisory Board members' activities are published monthly:

**International President Edward Dubroski**—International Office: General supervision of BLE activities; Meetings: Union Pacific Railroad President; TTD; Designated counsel; Linda Morgan renomination; NMB renominations; UMWVA rally, Washington DC; Publications Cmte.; TTD Rail Labor Div. mtg.

**First Vice-President & Alternate President James L. McCoy**—International Office: Assisted president supervising BLE activities; Ottawa, mtg. w/ Halle, Hucker, Atty. J. Shields, re: matters concerning Canadian operation; Contacted GC's, SLBCs, telephone calls, correspondence; TTD and CRO mtgs., Washington; Mtgs. w/ FELA attorneys; Thanksgiving holiday.

**General Secretary-Treasurer Russ Bennett**—International Office: Supervision of BLE Financial depts.; Records Dept.; BLE Job Bank; Health & Welfare mtg. to discuss UTU/NCCC Blue Cross/Blue Shield program; Polish Festival; Mobilization mtg.; AFL-CIO convention.

**Vice-President Paul T. Sorrow**—Assisted Norfolk Southern General Committees; Preliminary wage/negotiations with NS; Reached tentative wage/rules agreement with Wheeling & Lake Erie Railway; Work/Rest mtgs. w/ Norfolk Southern; Work/rest mtg. w/ CSXT; Mtg. w/ NS regarding "START" discipline policy; Assisted CSX General Committees with various issues, including single agreement negotiations; Assisted Grand Trunk GCoFA w/ various issues; Attended Division 34 mtg. in Hamlet, NC; General office duties.

**Vice-President Joseph A. Cassidy Jr.**—General office duties; Amtrak mtg. w/ General Chairman Kenny; SBA 928; SBA 933; SEPTA mtgs. w/ General Chairman Bruno; Port Authority Trans Hudson GCoFA; Long Island Rail Road; Operate trains for recertification on LIRR; Harriman Award project; FRA; Executive session, SBA 933; Paperwork & study; Thanksgiving holiday.

**Vice-President & U.S. Nat'l Legislative Representative Leroy D. Jones**—Washington D.C. Office; FRA PTC standards mtg.; DCCC political briefing; DGA 1999 election retrospective; High speed gov't. relations cmte. mtg.; Publications committee mtg.; AFL-CIO COPE; Political directors mtg. at Meany Center; Mtg. w/ Senator Byrd (D-WV), re: mountaintop coal; TTD Rail Div. mtg.; United Mine Workers Rally on Capitol Hill; FRA/CTC mtg. on drug and alcohol in Ottawa; Mtg. w/ Senators Kerry (D-MA), Conrad (D-ND); Mtg. w/ Richard Trumka, S-T AFL-CIO; Mtgs. w/ Senators Rockefeller (D-WV), Harkin (D-IA), Murray, (D-WA), Wellstone (D-MN), Dorgan (D-ND), Mikulski (D-MD), Hagel (R-NE), DeWine (R-OH), Enzi (R-WY), Hutchinson (R-AR), Hutchinson (R-TX), Bayh and staff (D-IN), Stevens (R-AK), Hollings (D-SC), Domenici (R-NM), Kennedy (D-MA), Dodd (D-CT), Reed (D-RI), Lautenberg (D-NJ), Jeffords (R-VT), Gregg (R-NH), First (R-TN), Collins (R-ME), Sessions (R-AL), Brownback (R-KS), Crapo (R-ID), Kerry (D-MA), Lott (R-MS), Craig (R-ID); Congressmen Oberstar (D-MN), Rahall (D-WV), Bonior (D-MI), Gephardt (D-MO), Kennedy (D-RI); Representatives of IBT, ALPA, AFA, UMWVA, TCU, BMWE, BRS, building trades, senate labor committee staff; DOT land transportation standards subcmte. briefing; DCCC labor progressive strategy series 2000 mtg.

**Vice-President William C. Walpert**—ID Office; BLE Education & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; BLE Safety Task Force; BLE Special Reps.; New York Air Brake Technical Training Center, Kansas City; UP Town Hall Meetings, Houston, St. Louis.

**Vice-President Edward W. Rodzicz**—General office duties; UP/SP project; NS Eastern region; UP/SP mtg. w/ Division Coordinators & membership from BLE and UTU; Assignment under direction of the President; Conrail/CSX equity dispute; Vacation; UP/SP mtg. w/ Special Reps, D.C.s & BLE and UTU members.

**Vice-President Don M. Hahs**—General office duties; UP work/rest cmte. mtg.; UP South ebb & flow mtg., G.C. Slone; Availability Policy mtg. & ID service issues; BNSF ID issues; Availability Policy mtgs.; BNSF system, MRL, UP South & West, Former SP-East & West, DRGW, Y SSW, Tacoma Belt, Pac Hub belt.

**Vice-President Richard K. Radek**—International Office; BLE Decertification Helpline services; Director of Arbitration Dept.; National Railroad Adjustment Board (NRAB); General Assistance, BRC; Wisconsin Central GCoFA & carrier conference, engineer seniority list & informational labor/management conf.; Section 3 subcommittee (labor), General Assistance, IHB/METRA, Div. 96 annual dinner mtg.; FRA Part 240.409 Docket EQUAL 96-05, 98-09, 97-74.

**Vice-President Dale McPherson**—I&M Rail Link; Indiana Railroad negotiations; UP Eastern Lines; PLB 5997, 6040, 5681 & 5721; CP Rail-US; TRRA of St. Louis; M&NA; LP&N; Longview Switching Co.; Other duties as assigned by First Vice-President; Vacation.

**Vice-President & Canadian Director Gilles Hallé**—Ottawa Office; Interview with Isabelle Lortie; Statutory holiday; CN Presidential Awards; Purchase & set up computer; Mtg. w/ CN Rail re: CN e-mail; CN senior advisory cmte. mtg.; Human resource development mtg.; Mtg. w/ CN Rail, K. Heller, B. Wood.

**Vice-President & National Legislative Representative-Canada T. George Hucker**—Ottawa Office; Canadian National Legislative Board; Mtg. w/ Secretary-Treasurer, NLB; Mtgs. w/ MP's L. McCormick, Liberal-ON, C. Cadman, Reform BC, Judi Longfield, Liberal-ON, S. Mahoney, Liberal; National Legislative Board mtg.; Safety Management System mtg. TC & CNR; Mtg. w/ FRA/TC drugs & alcohol testing; CD Rail fall conference w/ CPR General Chairmen/ CPR Labour Relations; CP Rail fall conference & mtg. w/ CPR regulatory and governmental affairs; Rail Safety Consultative Cmte mtg.; Direction 2006, Transport Canada mtg.; Can. Labour Congress Ad hoc transportation cmte. mtg.; Transport Canada, re: grade crossing safety working group; Mtg. w/ Provincial Legislative Board Chairman of Quebec; CP Senior Safety & Health Cmte. mtg.; Mtg. w/ CPR benefits advisor.



Best wishes for a  
safe and happy  
holiday season

# BLE SENIOR REPORT

## Unemployment and sickness benefits increase in 2000

Railroad retirement annuities, like social security benefits, are scheduled to increase in January 2000 on the basis of the rise in the Consumer Price Index (CPI) during the 12 months preceding October 1999. While higher Medicare deductible and coinsurance charges are effective in 2000, the Medicare premiums deducted from benefit payments remain at the 1999 level in 2000. At the same time, higher earnings limits allow retirees to earn more during the year without reductions in their annuities.

For employers and employees, while regular railroad retirement tax rates are not changed for 2000, the amounts of compensation subject to these payroll taxes are scheduled to increase in January as a result of indexing to average national wage increases.

Unemployment and sickness benefits paid by the Railroad Retirement Board will also increase in 2000, but not until July 1. They will increase from \$46 to \$48 per day.

The following questions and answers provide additional information on these Year 2000 changes, as well as information on Medicare.

### 1. How are the railroad retirement annuity cost-of-living increases payable in January 2000 calculated?

Cost-of-living increases are calculated in both the tier I and tier II benefits included in a railroad retirement annuity. Tier I benefits, like social security benefits, will increase by 2.4 percent, which is the percentage of the CPI rise. Tier II benefits will increase by 0.8 percent, which is 32.5 percent of the CPI rise. Vested dual benefit payments and supplemental annuities also paid by the RRB are not adjusted for the CPI rise.

If a railroad retirement annuitant also receives a social security benefit, the increased tier I portion is reduced by the increased social security benefit. Tier II cost-of-living increases are not reduced by social security increases.

### 2. How much will average railroad retirement benefits increase after the cost-of-living adjustment?

In January 2000, the average regular railroad retirement employee annuity will increase \$25 a month to \$1,349 and the average of combined benefits for an employee and spouse will increase \$35 a month to \$1,955. For aged widow(er)s, the average survivor annuity will increase \$17 a month to \$809.

### 3. What are the basic Medicare Part B medical insurance premium and medical insurance deductible in 2000?

The basic Medicare medical insurance premium deducted from railroad retirement or social security payments remains at the 1999 level of \$45.50 a month in 2000. Also, the annual medical insurance deductible for doctor bills a beneficiary must pay remains at the previous level of \$100.

### 4. What are the Medicare Part A hospital deductible and coinsurance charges in 2000?

For the first 60 days in a benefit period, a Medicare patient is responsible for paying a deductible which is the first \$776 of all covered inpatient hospital services in 2000; this deductible was \$768 in 1999. The daily coinsurance charge that a Medicare beneficiary is responsible for paying for hospital care for the 61st through the 90th day increases to \$194 from \$192. If a beneficiary uses "lifetime reserve" days (the extra 60 hospital days a beneficiary can use when more than 90 days of hospital care is needed in each benefit period), he or she will be responsible for paying \$388 a day for each reserve day used, instead of the 1999 charge of \$384 per day.

In addition, the daily coinsurance charge a beneficiary is responsible for paying for care in a skilled nursing facility for the 21st through the 100th day increases to \$97 from \$96.

### 5. What other basic information should railroad retirement beneficiaries know about the Medicare program in 2000?

In addition to the Original Medicare Plan, additional health care options are provided by the Balanced Budget Act of 1997.

Starting in 1999, beneficiaries who live in an area with Medicare Managed Care plans may now have a choice in how they get their health care. While Medicare Medical Savings Accounts and Private-fee-for-service plans may also be available in the future, no private companies had decided to offer these plans as of October 1999.

During September and October 1999, the Health Care Financing Administration (HCFA), the Federal agency responsible for administering Medicare, mailed copies of the handbook Medicare & You 2000 to all Medicare households. This publication provides de-

tailed information on the Medicare program, and beneficiaries can ask for information on Medicare health plans available in their area by calling 1-800-MEDICARE (1-800-633-



4227). The State Health Insurance Assistance Program in a beneficiary's area can also help with Medicare questions about health plan decisions. Beneficiaries can find the phone number for their area in their copy of Medicare & You 2000. They can also get up-to-date information about Medicare on the Internet at [www.medicare.gov](http://www.medicare.gov). Local libraries or senior centers may also be able to help beneficiaries access this information on the Internet.

In any case, beneficiaries who are happy with the Original Medicare Plan don't have to do anything. They will continue to receive Medicare benefits the same way that they do now.

### 6. Can the Railroad Retirement Board's staff advise beneficiaries on their Medicare choices and which may be best for them?

While Board staff can provide general information and appropriate referrals, they cannot counsel beneficiaries as to what choice may be right for them. That is a personal decision each beneficiary must make based on his or her own situation.

### 7. How do the earnings limitations applied to annuitants who work after retirement change in 2000?

Like social security benefits, railroad retirement tier I benefits and vested dual benefits paid to employees and spouses, and tier I, tier II and vested dual benefits paid to survivors, are subject to earnings deductions if post-retirement earnings exceed certain exempt amounts.

For those under age 65, the exempt earnings amount rises to \$10,080 in 2000 from \$9,600 in 1999. For beneficiaries ages 65 through 69, the exempt earnings amount rises to \$17,000 in 2000 from \$15,500 in 1999. These earnings limitations do not apply to any annuitants age 70 or older, starting with the month in which they are 70.

For those under age 65, the earnings deduction is \$1 in benefits for every \$2 of earnings over the exempt amount. For those ages 65 through 69, the deduction is \$1 for every \$3 of earnings over the exempt amount.

A special rule applies to earnings for one year, usually the first year of retirement. Under this rule, a full annuity can be paid, regardless of annual earnings, for any month in which a person is "retired" and monthly earnings do not exceed a certain limit. In 2000 these monthly limits are \$840 for beneficiaries under age 65, and \$1,417 for those ages 65 through 69.

Earnings consist for this purpose of all wages received for services rendered, plus any net earnings from self-employment. Interest, dividends, certain rental income or income from stocks, bonds, or other investments are not considered earnings for this purpose.

Regardless of age and/or earnings, no railroad retirement annuity is payable for any month in which an annuitant (retired employee, spouse or survivor) works for a railroad or railroad union.

Retired employees and spouses who work for their last pre-retirement nonrailroad employer are subject to an additional earnings deduction, which does not change from year to year. Such employment will reduce tier II benefits and supplemental annuity payments, which are not otherwise subject to earnings deductions, by \$1 for each \$2 of compensation received, subject to a maximum reduction of 50 percent. The deductions in the tier II benefits and supplemental annuities of individuals who work for their last pre-retirement nonrailroad employers apply even if earnings do not exceed the tier I exempt earnings limits. Also, while tier I and vested dual benefit earnings deductions stop when an annuitant attains age 70, these tier II and supplemental annuity deductions continue to apply after the attainment of age 70. An employee's work for a last pre-retirement non-railroad employer will cause a reduction in the spouse's tier II benefit.

### 8. Do the special earnings restrictions on disabled employee annuitants change?

No. The special restrictions which apply to disability annuitants do not change in 2000. The amount disabled railroad retirement employee annuitants can earn without reducing their benefits is \$400

per month, exclusive of disability-related work expenses. While a disabled employee's annuity is not payable for any month in which he or she earns more than \$400 in any employment or self-employment, withheld payments will be restored if earnings for the year are less than \$5,000. Otherwise, the annuity is subject to a deduction of one month's benefit for each multiple of \$400 earned over \$4,800 (the last \$200 or more of earnings over \$4,800 counts as \$400). However, if a disabled annuitant works after retirement, this may also raise a question about the possibility of that individual's recovery from disability, regardless of the amount of earnings, and must be reported.

### 9. How much are the maximum amounts of earnings subject to regular railroad retirement payroll taxes on employers and employees increasing in 2000?

The railroad retirement tier I tax rate of 7.65 percent for employers and employees, which is the same as the social security tax and for withholding and reporting purposes is divided into 6.20 percent for retirement and 1.45 percent for Medicare hospital insurance, remains the same. However the maximum amount of an employee's earnings subject to the 6.20 percent rate will increase to \$76,200 in 2000 from \$72,600 in 1999. There is no maximum on earnings subject to the 1.45 percent Medicare rate; all of an employee's compensation is subject to the Medicare tax.

The maximum amount of earnings subject to the railroad retirement tier II tax of 4.90 percent on employees, and 16.10 percent on employers, will increase to \$56,700 from \$53,700.

In 1999, the regular railroad retirement tax on an employee earning \$72,600 was \$8,185.20 and the employer's regular railroad retirement tax on such an employee was \$14,199.60. In 2000, the railroad retirement tax on an employee earning \$76,200 will be \$8,607.60 compared to \$5,829.30 under social security, and the employer's tax will be \$14,958.

### 10. Are the railroad retirement supplemental annuity taxes paid by railroad employers changing in January 2000?

The rate of the supplemental railroad retirement annuity tax paid solely by rail employers is determined quarterly by



# AFL-CIO asked to stiffen UTU sanctions

The Brotherhood of Locomotive Engineers has formally asked the AFL-CIO to extend the sanctions currently placed on the United Transportation Union to include, among other items, the payment of financial damages to the BLE.

In a December 3 letter to AFL-CIO President John J. Sweeney, BLE President Edward Dubroski noted that a 14-day grace period had elapsed since the UTU was found guilty of raiding BLE membership on the Louisiana & Delta Railroad. On November 9, Sweeney gave the UTU two weeks to take steps in order to comply with the Article XX ruling.

"You requested the UTU to advise you within 14 days of receipt of the decision as to what steps the UTU intends to take to comply," Dubroski wrote. "It is now December 3, and no response to our knowledge has been made to you by UTU."

In addition, Dubroski asked the AFL-CIO to stiffen the sanctions because of the UTU's "war chest" attitude. At its convention this past summer, UTU placed a \$3 special assessment on each member for the sole purpose of funding a "war chest" to engage in an all-out battle to do away with the BLE.

"In view of UTU's threats to commence 'all out war' in January 2000, BLE respectfully requests immediate favorable consideration of this request," Dubroski wrote.

In his letter, Dubroski outlined various financial sanctions the AFL-CIO could impose on the UTU. Dubroski suggested AFL-CIO extended its sanctions in the following respects:

1. Direct UTU to reimburse BLE for all the expenses incurred by it in defending its craft representation rights before the National Mediation Board;
2. Reimburse BLE for loss of all dues receipts lost as a result of UTU's raids on its membership;
3. Suspend UTU's right as an affiliate to use any or all of the services of the Federation until it withdraws its pending representation application related to the Union Pacific Railroad for representation of a purported craft of railroad employees, which includes the existing craft of locomotive engineers;
4. Suspend UTU's rights as an affiliate to hold office in or participate in any deliberations of the Federation or any of its committees, study groups or associate bodies, such as the Transportation Trades Department, until it ceases and desists from raids upon the membership of the BLE;
5. Suspend UTU's protection under any of the provisions of the Federation's Constitution or policy determinations of the Federation until it withdraws its application in the Union Pacific matter and ceases and desists from any engaging in raids upon the membership of BLE; and
6. Grant BLE any other relief in the premises, which is appropriate under the authority vested in the Executive Council.



By a near-unanimous vote at its Twenty-Third Constitutional Convention, members of the AFL-CIO Executive Council adopted a resolution calling for the Council to clarify its powers to impose sanctions against affiliated unions guilty of "intentionally raiding another... union's membership."

The new resolution calls for additional penalties, including "imposing damage awards, other financial penalties and/or implementing its power to expel the offending affiliate from the AFL-CIO."

BLE President Dubroski, a supporter of the resolution, hailed the outcome of the vote. "Although the AFL-CIO has done everything we've asked in our defense against the UTU's raid, there needs to be a series of increasingly tough sanctions that the Executive Council can apply, so raiders like Charlie Little can't hide between Conventions. This is a big step in the right direction," Dubroski said. •

## Three confirmed to NMB positions

WASHINGTON — On November 19, the Senate confirmed the White House's nomination of Magdalena G. Jacobsen, Ernest W. DuBester and Francis J. Duggan to the National Mediation Board (NMB).

Jacobsen and DuBester each have served as NMB members since 1993, and Duggan fills the seat vacated by Kenneth Hipp, who resigned his Board seat last year.

Duggan, a Republican who lives in Alexandria, Virginia is a New York City native and a graduate of St. John's Law School. He also received two graduate political science degrees and a research grant from Harvard University.

Duggan has extensive experience in transportation and labor. He worked in the office of former Senator Charles Mathias (R-MD) and for the Senate La-

bor Committee. He also served in the Labor Department during the Ford and Reagan Administrations.

Duggan's transportation experience includes 10 years as an Assistant Vice President of the Association of American Railroads. He was on President Bush's Commission on Aviation Security and Terrorism, and was a pro bono advisor and attorney for victims of Pan Am Flight 103.

Prior to joining the NMB, Duggan was an attorney with the Washington law firm of Mullenholz, Brimsek and Belair.

Because of concerns about statements by Chairwoman Jacobsen indicating a pro-UTU bias in the present case before the Board, which were voiced with the Senate and the White House by the BLE and other labor organizations, the confirmations were delayed, and were not taken up by the Senate until just prior to adjournment. •

## Availability Policy

Continued from Page 1

"I congratulate these Brothers on a job well done," BLE President Ed Dubroski said. "We're making progress little by little with BN, but we will continue to pursue our support of H.R. 3091."

An amendment to the Hours of Service Act, H.R. 3091 will allow up to three consecutive (and optional) days off for rail workers who are forced to work, or are on call to work, for up to seven consecutive days.

The BLE has played a key role in the battle against the draconian Availability Policy. BLE General Chairmen on the BNSF organized mobilization rallies to protest the policy in Ft. Worth, Texas, and Alliance, Neb.

The 60-day delay expires on Jan. 17, 2000.

## DC Feedback

Continued from Page 2

Additionally, members should be aware of concerns regarding decertification of Locomotive Engineers when they are "caught in this trap." During the deliberations of 49 CFR Part 240, considerable discussion took place on events that triggered decertification and the extent to which others may be responsible for a Locomotive Engineer's failure.

The operative term here is "the railroad's obligation to use discretion" when making a determination on decertification. The following discussion comes from the Notice of Proposed Rule-making (NPRM) on 240.

"One conclusion is that uniform enforcement of the rule is an important goal; hence, unbridled railroad discretion would not be in accord with the intent of the rule. A second conclusion is that, under limited and specified circumstances, railroads must consider certain mitigating factors as complete

defenses to an alleged violation. The Working Group decided that one of the FRA's interpretations should be made an explicit part of the rule since it was clear that some railroads did not understand FRA's position on the subject. That is, certification should not be revoked if an intervening cause prevents or materially impairs a person's ability to comply with the regulation. Sec. 240.307 (I)(1). A third conclusion that the Working Group recommends is that those violations of Sections 240.117(e)(1) through (e)(5) that are of

minimal nature and had no direct effect on rail safety should not give cause to revoke a person's certificate."

Based on the above discussion and language in 240.307(I)(1) it will be advantageous to document and place in the record of any decertification proceeding the non-existence of track-flags and certainly any mandatory directives that have not been provided in writing.

A word of caution — failure to have mandatory directives in writing will also be a violation of regulation for the Locomotive Engineer. •

## Governor signs 'BLE Bill' in West Virginia

A law prohibiting law enforcement officials from forcing Locomotive Engineers to show their drivers license following an accident has been signed into law in the State of West Virginia.

West Virginia Governor Cecil Underwood signed HB 2311 earlier this year, making it legal for Engineers to show photo identification provided by their employers instead of their personal drivers license. If Engineers do not have a carrier-provided photo ID, then they must provide the drivers license.

In the photo to the right, Governor Underwood

(seated) signs the bill on March 13, 1999. Standing from left, is Tony Reed, West Virginia State Legislative Board Secretary-Treasurer; Jim Worles, First Vice-Chairman of the West Virginia State Legislative Board; and Brent Boggs, a member of the West Virginia House of Delegates and Political Affairs Coordinator for the BLE's National Legislative Office in Washington, D.C. Boggs also belongs to BLE Division 751 (Gassaway, W.Va.). Not pictured, but instrumental to lobbying for the legislation is West Virginia State Legislative Board Chairman Darrell Blake. •



# BLE NEWS

## BLE mobilization focuses on H.R. 3091

### H.R. 3091

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 WI, Green, Mark  
 WI, Petri, Thomas E.  
 WI, Ryan, Paul  
 WI, Sensenbrenner, F.J.  
 WY, Cubin, Barbara •

## DECEMBER 1999 CALENDAR & EVENTS

**JUNE 5-8, 2000... International Western Convention in Jackson Hole, Wyo.**  
 Jim Lance is chairman of the 2000 IWC, which will be held at the Snow King Resort. Billed as the "Millennium Convention — IWC 2000," members can participate in the annual IWC golf tournament or hit the slopes at the Snow King's famous ski area. Lessons are available for beginners and a tubing course is also in the area. For hotel registration, write the Snow King Resort at P.O. Box S-K-I, 400 East Snow King Ave., Jackson Hole, WY 83001; or call (800) 522-KING or (307) 733-5200. Be sure to ask for the special BLE group rate of \$135 per night. Contact Brother Lance at P.O. Box 476, Inkom, ID 83245-0476 or call (208) 775-3377.

**JUNE 18-23... 73rd Annual Southeastern Meeting Association in Louisville**  
 Convention Chairman J.G. "Jim" Goodman encourages members to register early as the 2000 SMA promises to be a convention to remember. The Galt House East hotel will host the convention, and a room rate of \$85 per night has been secured (rates will increase May 19, 2000). For reservations call (502) 589-5200. To contact Brother Goodman, write: 229 Stout St., Mt. Washington, KY 40047; or call (502) 538-4358. His e-mail address is: <goodble@aol.com>.

**JUNE 27-July 1... Eastern Union Meeting Association in Niagara Falls, Canada.**  
 Members are encouraged to plan early for next year's EUMA, hosted by Jack and Pat Murphy (and Division 421) in Niagara Falls, Canada. It will be held at the Sheraton Fallsview Hotel. Room rates start at \$154 Canadian per night (approximately \$103 U.S.). Make reservations by calling (800) 267-8439, and ask for the BLE group rate. For further, contact Murphy at (716) 627-5354 or e-mail <blemurph@aol.com>.

**SEPTEMBER 17-22... 65th Annual Southwestern Convention Meeting in St. Louis**  
 Convention Co-Chairmen James Jackson and Roger King will ring in the 21st Century in St. Louis. September 17 is for early registrants and September 18 is the golf tournament. In between are opening ceremonies, a formal banquet, and several training workshops. The convention will take place at the Marriott Pavilion Hotel, One Broadway, St. Louis, MO 63102. Make reservations by calling (800) 228-9290 or (314) 421-1776. Be sure to ask for the special BLE discount rate.

## BLE to upgrade web site

The International Division of the Brotherhood of Locomotive Engineers is in the process of upgrading its web server, and BLE members will enjoy the benefits of this improved service after Jan. 1, 2000.

Not only will the new site have a new look, there will also have improved content.

The reconfigured website will be better organized and more user friendly than the current site. In addition, new specialty sections will be added for General Chairmen, State Legislative Board Chairmen and mobilization efforts.

The new high-speed web site will continue to have a "members only" section that contains arbitration awards

and other privileged information. However, it will provide automatic registration to members and automatic subscription/unsubscription to all mailing lists.

It will provide online education and training as well as an expanded arbitration database with an improved interface.

Members will have the ability to update address and telephone information with the International, and further down the road, there are plans for an online store with BLE merchandise.

There will also be highlighted sections devoted to individual "hot" news issues, such as the Amendment to the Hours of Service Act (see page 1). •

### Railroad Retirement

Continued from Page 6

the Railroad Retirement Board. The rate for all four quarters of 1999 has been 27 cents per work-hour; the rate for the first quarter of 2000 will be announced later in 1999.

#### 11. Is there a change in the railroad unemployment insurance taxes paid exclusively by employers?

In 2000, the basic unemployment insurance tax rates on railroad employers, which are experience-rated by employer, will range from a minimum of 0.65% to a maximum of 12% on monthly employee compensation up to \$1,005, rather than \$970 as in 1999. New employers in 2000 will initially pay a tax rate of 1.67%.

A surcharge of 1.5 percent, which was added to the basic tax rates in 1998 and 1999, will not be in effect for 2000 because of an increase in the Railroad Unemployment Insurance Account balance, which was almost \$118.7 million on June 30, 1999.

For 72 percent of covered employers, the unemployment insurance rate assessed will be 0.65 percent in 2000, which is \$6.53 per month for each em-

ployee with earnings of \$1,005 or more per month, and 9 percent will be assessed a rate of 12 percent, which is \$120.60 per month for each employee with earnings of \$1,005 or more per month.

#### 12. By how much will the unemployment and sickness benefits paid by the Board increase on July 1, 2000?

The daily benefit rate will increase \$2, from \$46 to \$48, on July 1, 2000. •



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