LIVES AT RISK AS FRA CONTINUES TO LIMIT ITS RESPONSE ON CORONAVIRUS SAFETY

The Federal Railroad Administration (FRA) on April 10 denied requests submitted by Labor Organizations which, if approved, would have provided critical protections for railroad employees during the ongoing national COVID-19 (coronavirus) pandemic, according to the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the SMART Transportation Division (SMART-TD).

"Although FRA believes that many safety precautions included in the Petitions could constitute best practices that should be applied in the railroad industry..." said FRA Administrator Ronald Batory in his response to the Organizations, "...FRA does not believe that an emergency order is justified." Meanwhile, FRA is standing behind its decision to approve sweeping safety regulation waiver requests submitted by rail carriers.

Previously, in an April 2 letter to BLET President Dennis Pierce and SMART-TD President Jeremy Ferguson, FRA Administrator Batory defended his agency’s approval of a wide-ranging 60-day waiver that suspends or delays scores of critical safety regulations. On March 31, the unions called the waiver "alarming" and demanded clarification from the FRA.

"It appears that the FRA has done nothing more than rubber-stamp a wish list from the rail carriers, absolving them from enforcing critical safety rules," BLET President Pierce said. "Regardless of how Administrator Batory now describes FRA’s waiver, it has given a carte blanche invitation to the industry to ignore rules, and it will have a substantial chilling effect on safety if fully applied."

"In their Emergency Order requests, the carriers placed a strong emphasis on claims that manpower shortages either exist, or may exist, regardless of the fact that thousands of rail employees remain in furlough status," SMART-TD President Ferguson said. "The FRA’s decision to issue waivers based on these bogus claims is disturbing, especially when the waivers apply to territorial qualifications, hours of service, and scope rules for certain crafts. It’s time to begin recalling furloughed employees and preparing for a worst-case scenario, rather than jeopardizing the safety of our crews, their households, and our communities."

Continued on page 4...
When official interpretations are made they have practical question(s) are addressed, and ensures that the National President to be considered an “official communication.” This is to provide that the actual question(s) are addressed, and ensures that when official interpretations are made they have reference to a specific request and can be used in future correspondence. The volume of e-mails received makes it impossible for the National President to answer all unofficial communications. Therefore, it is the policy of the BLET that e-mails addressed to the National President will be reviewed and forwarded to the appropriate officer or staff for a timely response; however, an e-mail message is not considered an official communication. Moreover, anonymous e-mails and e-mails that do not provide sufficient information concerning the sender to enable National Division staff to confirm the sender’s membership status will not receive any reply or acknowledgement. This policy is intended to allow the National President to be aware of the opinions and suggestions of the membership, while at the same time providing a timely response to the member's unofficial communication, if a response is necessary, without needlessly expending limited BLET resources.

Adopted at Cleveland, Ohio on July 23, 2020. *28*

**BLET NATIONAL DIVISION ELECTRONIC COMMUNICATIONS POLICY**

**WORKERS MEMORIAL DAY 2020**

On this somber day, I ask you to remember Brother Bruce A. Fannon, Jr. of Division 219. On this day, we honor those who have been killed or injured on the job in the past year. It is ironic that Workers’ Memorial Day is during the COVID-19 pandemic currently sweeping the nation. Our country’s essential workers have been on the front lines battling this virus and putting their lives at risk to keep our nation safe, often without the personal protective equipment necessary to insure their own safety. Our locomotive engineers and trainmen are among these essential workers, moving the freight and the passengers necessary to keep the lifeblood of America flowing. Our freight members move the products that stock our country’s grocery store shelves and the bulk commodities that keep the lights on. In many large cities, our passenger/commuter members operate the trains that are the only means of transportation for key medical personnel who are leading the charge against the coronavirus in our nation’s hospitals. Our federal government, and particularly the Federal Railroad Administration, has been a huge disappointment when it comes to protecting the health and safety of railroaders who are so important to our nation’s economy. The FRA’s failure to mandate even the most basic sanitation methods to protect our members is nothing short of immoral. The FRA’s actions to waive key safety regulations as a way to help railroads boost profits is nothing short of illegitimate. Rail workers deserve a Federal Railroad Administration with the teeth to enforce existing regulations and the leadership to mandate additional worker protections during a time of national crisis. Rail workers deserve better than a rail industry lapdog. I urge you to take a moment to remember those who have been killed or injured on the job in the past year. I would also ask that you get involved with your union and become active and aware. Educate yourself about the issues in Washington D.C. that impact your job and your safety and join us in our fight to improve workplace safety for all American workers.

DENNIS R. PIERCE
BLET NATIONAL PRESIDENT.
Lawmakers Must Prioritize Safety of All Essential Workers

The Teamsters represent more than 1.3 million active and retired workers and their families. We note one thing clearly: The safety of all essential workers must be our top priority. We are privileged to represent the professionals, the workers and the families working in this crucial sector. The health and safety of all workers must be protected so that they can continue to care for their families. That means advocating for their wellbeing in the workplace before Congress.

Unfortunately, Capitol Hill lawmakers took a substantial step towards attending to their need for additional personal protective equipment (PPE) when they approved stimulus legislation in March. But there are still many essential workers whose health and safety has not been addressed. Whether it’s those in the food supply chain from farmers, and all other workers who help transport goods to market, those who stock the shelves, or cashiers who handle the sales, these are critical workers who need to be on the job right now. They, and others like them, need government to outline industry-wide standards that would ensure their personal safety in the midst of this coronavirus crisis. Creating a standard that would protect workers exposed to airborne infectious diseases has been an Occupational Safety and Health Administration (OSHA) priority since the 2010 H1N1 pandemic. The Teamsters have called on the current administration to have OSHA issue temporary rules to provide guidance and compel action from all employers in these essential industries to keep members safe on the job.

We now encourage lawmakers to immediately turn their efforts to fighting for these industry-wide worker safety priorities in the next stimulus bill. In a time when hardworking Americans are going above and beyond, we need elected officials to do the same for their constituents.

Fraternally,

James P. Hoffa
Teamsters General President
FRA grants unions’ request for extension to file certification petitions

On April 7, the Federal Railroad Administration (FRA) granted a joint petition filed by the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the SMART Transportation Division (SMART-TD) to extend time limits to file certification petitions. Under FRA regulations governing certification of locomotive engineers, a petition seeking review of a railroad’s decision to deny certification must be filed with the OCRB no more than 120 days after the date of the railroad’s denial decision. Similarly, under FRA regulations governing certification of conductors, a petition seeking review of a railroad’s decision to deny certification or re-certification, or to revoke certification, must be filed with the OCRB no more than 120 days after the date of the railroad’s denial decision.

SMART-TD and BLET filed their joint petition on March 30. FRA had previously granted, on March 25, an identical extension to file petitions for railroads to respond to petitions for review filed with the LERB and the OCRB.

Under the terms of the April 7 waiver, FRA granted temporary emergency relief from the 180- and 120-day filing deadlines, so that the deadline for any petition for review that becomes due is extended during the duration of the waiver is extended 60 days.

FRA LIMITS RESPONSE TO CORONAVIRUS

The FRA has yet to mandate safety protocols to protect the health of railroad workers amid the national COVID-19 outbreak. In letters dated March 6 and March 20, the BLET and SMART-TD urged the FRA to issue an Emergency Order implementing CDC and OSHA guidelines to help mitigate the potential spread of the coronavirus among rail workers. In his April 10 response, FRA Administrator Batory acknowledges that his administration is authorized to issue Emergency Orders when an “unsafe condition or practice, or combination of unsafe conditions and practices, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment.” Nonetheless, Batory goes on to advise “…[COVID-19] challenges are not unique to the railroad industry, and thus not the type of rail safety issue where FRA would typically exercise its emergency order authority…” Rather than grant the Organizations’ requests for an Emergency Order, FRA published a Safety Advisory recommending that the railroads develop and implement practices consistent with Federal recommendations and CDC and OSHA guidelines.

“This Administration’s refusal to regulate worker safety stands in stark contrast to its actions to appease the railroad industry,” President Pierce Williams on April 2, which reads in part: “As our nation continues to respond to the urgent crisis with COVID-19, it is imperative the Federal Railroad Administration and Federal Transit Administration protect the health and safety needs of our frontline transit and rail workers. Our transit and rail workers are essential to the health, security, and transport of people within and between our communities along with the transport of critical goods and freight across the country. It is important that steps are taken to mitigate against the spread of the virus within the workforce, minimize exposure while workers are performing their duties, and ensure sufficient staffing.”

The legislators urged the FRA and FTA to consider the recommendations of organized labor for worker protections and sanitation standards to protect workers against the virus. On March 20, the BLET and SMART-TD filed a joint request urging the FRA to issue Emergency Orders to “address employee safety conditions in response to the national COVID-19 (coronavirus) outbreak, as well as for the FTA to implement an action plan to help address the potential spread of the coronavirus among rail workers using protocols established by the Centers for Disease Control and Prevention.”

On April 10 the FTA denied the BLET/SMART-TD request.

MEMBERS OF CONGRESS DEMAND FRA, FTA ACT TO PROTECT RAIL WORKERS DURING COVID-19 PANDEMIC

A bipartisan group of U.S. Representatives has sent a letter to the Federal Railroad Administration (FRA) and the Federal Transit Administration (FTA) demanding that the agencies adopt health and safety recommendations made by organized labor to better protect rail and transit workers from the spread of COVID-19 in the workplace.

The group of seven Democrats and seven Republicans wrote a letter to FRA Administrator Ron Batory and FTA Acting Administrator K. Jane Willons on April 2, which reads in part: “As our nation continues to respond to the urgent crisis with COVID-19, it is imperative the Federal Railroad Administration and Federal Transit Administration protect the health and safety needs of our frontline transit and rail workers. Our transit and rail workers are essential to the health, security, and transport of people within and between our communities along with the transport of critical goods and freight across the country. It is important that steps are taken to mitigate against the spread of the virus within the workforce, minimize exposure while workers are performing their duties, and ensure sufficient staffing.”

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BLET’S 2020 MILWAUKEE REGIONAL MEETING POSTPONED

Because of the continuing, widespread movement and travel restrictions as well as limitations on the size of gatherings due to the coronavirus (COVID-19) pandemic across the United States, the 2020 BLET regional meeting scheduled for Milwaukee, Wisc., between June 22-26 has been postponed. The BLET plan to reschedule the meeting for later in the year. Those who have already made hotel or meeting reservations will be contacted in the coming days regarding a refund.

The regional meeting in Cincinnati, Ohio remains scheduled for August 17-20, 2020, and the BLET regional meeting website (https://bletregionals.org) is open for reservations. The BLET will continue to monitor the course of the pandemic, and evaluate the public health measures in place in the coming months.

Please refer to the National Division website for updates.
Coronavirus Relief Act helps railroad workers

CARES Act removes waiting period, increases unemployment benefits

The Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, signed into law by President Trump on March 27, boosts unemployment benefits for railroad workers impacted by the pandemic. Under the CARES Act, the 1-week waiting period required before railroad workers can receive unemployment or sickness benefits is temporarily eliminated. This applies to an employee’s first 2-week registration period for a period of continuing sickness or unemployment beginning after the effective date of the law and ending on or before December 31, 2020.

In addition, the amount of the unemployment benefit is increased by $1,200 per 2-week period. This is in addition to the current biweekly maximum of $733.98 received by most claimants. This increased amount applies to any 2-week registration periods beginning on or after April 1, 2020, through July 31, 2020.

The CARES Act includes a separate appropriation of $425 million to pay for this added “recovery benefit” with an additional $50 million provided to cover the cost of eliminating the waiting period. If these funds are exhausted, the new provisions will no longer apply.

The CARES Act also authorizes payment of extended unemployment benefits to rail workers who received unemployment benefits from July 1, 2019, to June 30, 2020. Under the legislation, railroad workers with fewer than 10 years of service may be eligible for up to 65 days of extended benefits within 7 consecutive 2-week registration periods. Workers with 10 or more years of railroad service, who were previously eligible for up to 65 days in extended benefits, may now receive benefits for up to 130 days within 13 consecutive 2-week registration periods.

Since RRB offices are currently closed to the public due to the COVID-19 pandemic, railroad employees are encouraged to file for unemployment benefits online by establishing an account through myRRB (www.rrb.gov/Benefits/myRRB). Otherwise, applications and claims for benefits will need to be submitted by regular mail. Applications for sickness benefits must be submitted to the agency by mail, or by fax at 312-751-7185. Subsequent claims may be completed online by those with myRRB (www.rrb.gov/Benefits/myRRB) accounts.

The RRB will also pay sickness benefits and, in some cases, unemployment benefits, to rail workers who have been assessed COVID-19 or been subject to a quarantine order. Further guidance on these types of situations is available on the RRB website: www.rrb.gov/Benefits/Coronavirus.
Rail Labor wins 8-year fight to protect employee medical privacy at BNSF

Brother Eric A. Hau was elected to the office of General Chairman at the Canadian National-Wisconsin Central General Committee of Adjustment’s quadrennial meeting on April 21, 2020. Brother Hau is a member of BLET Division 173 in Fon du Lac, Wis., and has served as its Local Chairman for the past 17 years. Outgoing General Chairman John Reynolds did not seek reelection due to his retirement.

All officers of the GCA were elected by acclamation, including: Vice General Chairman Jason T. Alexander, Division 184 (Schaumberg, Ill.), 1st Alternate Vice General Chairman Chuck M. Schult, Division 175 (Neenah, Wis.) and Wisconsin State Legislative Board Chairman; 2nd Alternate Vice General Chairman David J. Robinette, Division 185 (Gladstone, Mich.); Secretary-Treasurer: Eugene (Shy) Ziegler, Division 173 (Fon du Lac, Wis.); Alternate Secretary-Treasurer-Eric A. Strook, Division 174 (Stevens Point, Wis.) and Secretary-Treasurer of the Wisconsin State Legislative Board. The following Brothers will continue their appointment as Trustees: Jason Alexander, Division 184; Chuck Schulz, Division 175; and Adam Fennelaki, Division 209.

"I congratulate Brother Eric and all of the officers of the CN-WC General Committee of Adjustment. "BLET National President Dennis R. Pierce said. "I also wish to acknowledge the leadership of outgoing General Chairman John Reynolds and to thank him for his many years of dedicated service to our Brotherhood. I am happy to extend our best wishes for a long, happy and healthy retirement."

Delegates to the meeting included: Brian Flaherty, Division 520; Jason Alexander, Division 184; Ian Wainio, Division 173; Chuck Schulz, Division 175; Adam Fennelaki, Division 209; David Robinette, Division 185; Gary Dalbou, Division 174; Steve Moorke, Division 188; Steve Surchik, Division 163; Eugene Ziegler, Division 173; John Reynolds, Division 209; and Eric Hau, Division 173.

"I congratulate these Brothers for conducting their quadrennial meeting in spite of these trying times. I also want to thank them for inviting me to address them because it is always a benefit when Union Brothers and Sisters come together and interact," President Pierce said. "Representing the BLET National Division at the meeting were: President Pierce; Vice National President Marcus Ruef; and Special Representative, Director of Organizing, and Director of Mobilization-Western Region Paul Aird. Also making presentations to the delegates were: Eric Strook, Division 174; Kyle Hansen, GCA Critical Incident and Mobilization Coordinator, Division 173."

Immediately prior to his election, Brother Hau was serving as Local Chairman of Division 173 (Fon du Lac, Wis.). He hired out with the Wisconsin Central in 1994 as a locomotive mechanic and began working as a conductor in 1995. He earned promotion to locomotive engineer and joined the BLET in 1998, the same year he began serving Division 173 as Vice Local Chairman. In 2003, Brother Hau began serving Division 173 as Local Chairman, an office he held for 17 years until his decision to retire. Outgoing General Chairman John Reynolds did not seek reelection due to his retirement. Brother Reynolds began serving the Wisconsin Central GCA as general chairman in early 2003, serving five terms of office as General Chairman and winning election by acclamation each time.

Most recently, he was reelected at the GCA’s 2016 quadrennial meeting. A Wisconsin Central locomotive engineer, Brother Reynolds originally hired out on the St. Louis-San Francisco Railroad (Frisco) in 1978. He is a member of BLET Division 269 (Green Bay) and has held continuous membership since September 1, 1977. On February 24, 2003, he was elevated to the office of General Chairman of the CN-WC GCA, then reelected by acclamation in 2004, 2007, 2011, 2012 and 2016. In 2012, the GCA held a special meeting after the Wisconsin Central merged with the DuPont, Mississauga & Iron Range and the Two Harbors GCAs. Brother Reynolds also served as Vice Chairman of the BLET’s Western General Chairmen’s Association for several years during his career, and served the Brotherhood as a member of the Work Committee at the BLET’s Fourth National Convention in 2018.

The CN-WC GCA represents approximately 900 active and retirement members from nine different BLET Divisions.

Hau elected CN-WC General Chairman

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Employers and employees covered by the Railroad Retirement Act pay higher retirement taxes than those covered by the Social Security Act. As a result, their retirement benefits are higher than social security benefits, especially for career employees (those employees who have 30 or more years of service). The following questions and answers show the differences in railroad retirement and social security benefits payable at the close of the fiscal year ending September 30, 2019. They also show the differences in age requirements and payroll taxes under the two systems.

1. How do the average monthly railroad retirement and social security benefits paid to retired employees and spouses compare?

The average age annuity being paid by the Railroad Retirement Board (RRB) at the end of fiscal year 2019 to career rail employees was $3,645 a month, and for all retired rail employees the average was $2,910. The average age retirement benefit being paid under the Railroad Retirement Act was approximately $1,460 a month. Spouse benefits averaged $1,065 a month under railroad retirement compared to $745 under social security. The Railroad Retirement Act also provides supplemental railroad retirement annuities of between $23 and $43 a month, which are payable to employees with railroad service prior to October 1981 who retire directly from the rail industry with 25 or more years of service.

2. Are the benefits awarded to recent retirees generally greater than the benefits payable to those who retired years ago?

Yes, because recent awards are based on higher average earnings. Age annuities awarded to career employees retiring at full retirement age under social security averaged nearly $1,985. If spouse benefits are added, the total railroad retirement annuity payable to the employee and spouse would total $5,900 under railroad retirement coverage, compared to $2,980 under social security. Adding a supplemental annuity to the railroad benefit, the railroad employee’s benefit increases average total benefits for current career rail retirees to about $5,530 a month.

3. How much are the disability benefits currently awarded?

Disabled railroad workers retiring directly from the railroad industry in fiscal year 2019 were awarded $3,145 a month on average while awards for disabled workers under social security averaged $1,375. While both the Railroad Retirement and Social Security Acts provide benefits to workers who are totally disabled for any regular railroad occupation, the Railroad Retirement Act also provides disability benefits specifically for employees who are disabled for work in the railroad industry. Employees may be eligible for such an occupational disability annuity at age 60 with 10 years of service, or at any age with 20 years of service.

4. How do railroad retirement and social security benefit provisions differ?

Both the railroad retirement and social security benefit provisions differ in the amount of benefits payable to survivors under railroad retirement, compared to those payable under social security. The railroad retirement program provides a lump-sum death benefit payable to a surviving spouse who is at least age 62. The railroad retirement lump-sum benefit is generally payable only if survivor annuities are not immediately due upon an employee’s death. The social security lump-sum benefit may be payable regardless of whether monthly benefits are also due. Both railroad retirement and social security provide a lump-sum benefit of $255. However, if a railroad employee completed 10 years of service before 1975, the average railroad retirement lump-sum benefit payable is $1,030. Also, if an employee had less than 10 years of service, but had at least 5 years of such service after 1995, he or she would have to have had an insured status under social security (by working both railroad retirement and social security credits) in order for the $255 lump-sum benefit to be payable. The social security lump-sum benefit is generally only payable to the widow(er) living with the employee at the time of death. Under railroad retirement, if the employee had 10 years of service before 1975, and was not survived by a living widow(er), the lump sum may be paid to the funeral home or the payer of the funeral expenses.

5. How much are regular railroad retirement and social security payroll taxes compared?

Railroad retirement payroll taxes, like railroad retirement benefits, are calculated on a two-tier basis. Rail employees and employers pay tier I taxes at the same rate as social security taxes, 7.65 percent, consisting of 6.20 percent for retirement and 1.45 percent for Medicare hospital insurance on all earnings. At the end of fiscal year 2019, the average annuity being paid to all aged and disabled widow(er)s was $1,765 a month, compared to $1,345 under social security. Benefits awarded by the Railroad Retirement Board in fiscal year 2019 to aged and disabled widow(er)s of railroad employees averaged $2,285 a month, compared to approximately $1,320 under social security.

The benefits being paid at the end of fiscal year 2019 to widowed mothers/fathers averaged $1,940 a month and children’s annuities averaged $1,155, compared to $1,005 and $880 a month for widowed mothers/fathers and children, respectively, under social security. Those awarded in fiscal year 2019 averaged $1,345 a month for widowed mothers/fathers and $1,55 a month for children under railroad retirement, compared to $995 and $885 for widowed mothers/fathers and children, respectively, under social security.

A Q&A section is presented to answer questions about the comparison of benefits under Railroad Retirement and Social Security.

Q&A: Comparison of benefits under Railroad Retirement and Social Security

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How much are monthly benefits for survivors under railroad retirement and social security?

Survivor benefits are generally higher if payable by the RRB rather than social security. At the end of fiscal year 2019, the average annuity being paid to all aged and disabled widow(er)s was $1,765 a month, compared to $1,345 under social security. Benefits awarded by the Railroad Retirement Board in fiscal year 2019 to aged and disabled widow(er)s of railroad employees averaged $2,285 a month, compared to approximately $1,320 under social security.

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How much are regular railroad retirement taxes for an employee earning $137,700 in 2020 compared to social security taxes?

The maximum amount of regular railroad retirement taxes that an employee earning $137,700 on pay in 2020 is $15,546.75, compared to $10,534.05 under social security. For railroad employees, the maximum annual regular retirement taxes on an employee earning $137,700 are $23,935.35, compared to $10,534.05 under social security. Employees earning over $137,700 and their employers will pay more in retirement taxes than the above amounts because the Medicare hospital insurance tax is applied to all earnings.
RBB cancels spring and summer 2020 Pre-Retirement Seminars

WOULD-BE ATTENDEES ARE ENCOURAGED TO REVIEW SEMINAR MATERIALS, WHICH ARE ALL AVAILABLE AT: WWW.RBB.GOV

T he Railroad Retirement Board has cancelled all Pre-Retirement Seminars scheduled for March through at least September 2020 due to the coronavirus outbreak, according to an announcement from the Office of the Labor Member.

“We made this difficult decision out of an abundance of caution to protect the health, safety, and welfare of our customers and staff as we navigated through this time of uncertainty caused by the COVID-19 pandemic,” Labor Member John Briggs said in a statement. “While we expect to reschedule these seminars later this year, we’ll be monitoring the situation as it evolves and provide updates when details are finalized.”

In the meantime, would-be attendees are encouraged to review seminar materials, which are all available at: www.rbb.gov. The program booklet is posted on the RBB’s Pre-Retirement Seminar web page, and all other items included in seminar kits can be found on the RBB’s Educational Materials web page, which is located in the Office of the Labor Member’s section (www.rbb.gov/OurAgency/LaborMember)."